

Research Project: To Explore the Relationship Between the Food Environment and the Planning System

November 2018



Scottish Government
Riaghaltas na h-Alba
gov.scot

Report prepared by:
Ironside Farrar
111 McDonald Road,
Edinburgh,
EH7 4NW

The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Ministers.

Planning and Architecture Division
Area 2H South
Victoria Quay
Edinburgh
EH6 6QQ

Tel: 0131 244 7546
e-mail: DMprocedures@gov.scot
web: <http://www.gov.scot/Topics/Built-Environment/planning>

© Crown Copyright 2018

Applications for reproduction of any part of this publication should be addressed to:
Planning and Architecture Division, Directorate for Local Government and
Communities, Area 2H (South) Victoria Quay, Edinburgh, EH6 6QQ

This report is published electronically to limit the use of paper, but photocopies will be provided on request to Planning and Architecture Division.

1	Executive Summary	4
2	Introduction	7
3	Literature Review	11
4	Policy Analysis – Policy Effectiveness	58
5	Conclusions	75
6	Bibliography	80

1 Executive Summary

1.1 EXECUTIVE SUMMARY

- 1.1.1 The Scottish Government consultation paper 'A Healthier Future' identifies Scotland's obesity rates as amongst the highest in the developed world. The consultation ran from October 2017 to January 2018 and included over 30 proposed actions to improve the Scottish diet and lifestyle and reduce public health harm. Improving the food environment is critical to this aim and the consultation document makes it clear that a wide range of regulatory and other actions are needed to make healthier choices easier wherever we eat.
- 1.1.2 As such, it was noted that research should be undertaken to establish the relationship between the planning system and the food environment, including exploring how food outlets in the vicinity of schools can be better controlled. The evidence provided by the research will inform the next version of the National Planning Framework and Scottish Planning Policy.
- 1.1.3 The aim of this research project is to respond to the question 'How can the planning system best support the creation of an improved food environment in Scotland?' This was carried out using the following methods:
- A literature review of academic articles and those published by or on behalf of a number of Local Authorities;
 - A review of national policy, guidance and relevant planning legislation across Scotland and England in so far as it relates to the control of the food environment;
 - The analysis of identified planning policies and Supplementary Planning Documents which seek to control the food environment; and, a review of relevant applications and appeal decisions.
- 1.1.4 The following conclusions emerged from the research.

Key Characteristics of a Good Food Environment

- 1.1.5 This research considered the food environment to be the food available to people in their surroundings. A consistent set of characteristics of a good food environment could not be identified from reviewed literature. Broadly speaking however healthy food environments enable consumers to make nutritious food choices with the potential to improve diets and reduce the burden of malnutrition. Bad or unhealthy food environments are more clearly defined, noted as a consequence of poor access to fresh food and increased exposure to readily available energy-dense food.

Density, Clustering and the Food Environment

- 1.1.6 From a review of the available literature, the association between exposures to outlets selling unhealthy food, diet, and body weight varies, some research shows a link and others do not. Research notes that neighbourhoods with many fast food takeaways may also have access to outlets selling a range of healthy foods diluting fast food exposure. Overall the evidence would suggest that increased exposure to outlets selling unhealthy food increases a person's likelihood of gaining weight.
- 1.1.7 Some Planning Authorities in England have sought to control the clustering and/or density of hot food takeaway outlets on health grounds through the introduction of appropriate planning policies and/or guidance. This is not the case in Scotland where the clustering and density of hot food takeaways is controlled for other reasons including the promotion of town centre viability and protection against anti-social behaviour.

The Food Environment Around Schools

- 1.1.8 Some research exploring the effect of the food environment around schools on children and young people shows a link to obesity while other research does not.
- 1.1.9 Access to outlets selling healthy food was noted as decreasing the odds of being overweight or obese. It was also noted that the balance of outlets selling healthy and unhealthy foods has an impact on dietary quality in children and young people.

Planning System Interaction with the Food Environment

- 1.1.10 The causes of obesity identified in this research are noted as being a result of various environmental factors. In land use planning terms zoning and/or exclusion zones were looked at as a means of limiting access to fast food and reducing the density of fast food outlets (quantity of fast food outlets in a given area). In view of conflicting research linking the food environment to obesity, defining local levels of obesity as an evidence base was considered important to inform policy.
- 1.1.11 A review of National Policy and Development Plans across Scotland has found that current planning policy has no interaction with the food environment in so far as seeking to address obesity is concerned. There is no direct reference to tackling obesity or opportunities to influence the food environment in health terms. Outside of the planning system however there is a growing body of research looking at the food environment's impact on obesity.

1.1.12 Reflective of national policy requirements, in certain Planning Authorities in England there is a drive to control the local food environment around schools and other sensitive uses (e.g. leisure centres, community centres, parks) through Development Plans and Supplementary Planning Documents. Each is an important material consideration in the determination of planning applications.

Policy Analysis – Policy Effectiveness

1.1.13 Research identified that there is not a planning policy framework in Scotland against which to determine hot food takeaway applications on health grounds. Given the absence of relevant planning policy, the outcome of one particular appeal noted that it was not considered reasonable in planning terms for the Council to refuse the application on health grounds.

1.1.14 Across a number of Planning Authorities in England, there are Development Plan policies and/or Supplementary Planning Documents against which planning decisions on fast food takeaway applications can be made on health grounds. These have largely stood up to planning appeal/challenge when evidence based, but have proven less effective without an evidence base.

2.1 INTRODUCTION

2.1.1 Ironside Farrar was commissioned by the Building Standards Division (BSD) of the Scottish Government on behalf of Planning and Architecture Division (PAD) to complete this research project to explore the relationship between the food environment and the planning system. The research is intended to help meet the Scottish Government's commitments to the food environment made within the 2017/18 Programme for Government and 'A Healthier Future' consultation paper. The evidence provided by the research will inform the next version of the National Planning Framework and Scottish Planning Policy.

2.2 BACKGROUND

- 2.2.1 The Scottish Government consultation 'A Healthier Future' identified Scotland's obesity rates as amongst the highest in the developed world. This brings with it associated problems of significant costs to our health services and the economy from increasing numbers of people with chronic ill-health and being too ill to work.
- 2.2.2 The key problem identified in the consultation paper was the excessive consumption of food and drink high in fat, salt and sugar. The aim of the consultation was to inform the development of a policy and legislative approach to reduce the public health harm associated with excess weight, poor diet and low levels of physical activity. The Scottish Government wants everyone in Scotland to eat as well as possible, encouraging a healthy weight and diet across the population. Improving the food environment was highlighted as critical to this aim. The consultation is clear that a wide range of regulatory and other actions are needed to make healthier choices easier wherever we eat.
- 2.2.3 Scottish Planning Policy (2014) is clear that the planning system has a vital role to play in delivering high-quality places for Scotland, in support of the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Scottish Planning Policy sets out the important role that good buildings and places play in promoting healthy, sustainable lifestyles. It is clear that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources. Through statutory development plans, the planning system sets a vision and policies to improve places and provide opportunities for people. The planning system also makes decisions on whether to approve or refuse individual planning applications for

development. Those decisions are based on the policies of the development plan.

- 2.2.4 The planning system as a whole works towards the following vision shared by National Planning Framework 3 and Scottish Planning Policy:

“We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.”

- 2.2.5 The consultation ‘A Healthier Future’ recognises the opportunity for the planning system to contribute to an improved food environment with the following commitment:

“We will research precedent, evidence and good practice on the relationship between the planning system and food environment, including exploring how food outlets in the vicinity of schools can be better controlled, with a view to informing the review of Scottish Planning Policy”

- 2.2.6 This commitment supports the Scottish Government’s 2017-18 Programme for Government which states:

“We will ... explore how food outlets in the vicinity of schools can be better controlled...”

- 2.2.7 The Scottish Government’s ‘Places, People and Planning – Position Statement’ provides an update on the Scottish Government’s on-going reform of the planning system. It states that Scottish Planning Policy is anticipated to be reviewed from 2018, with publication in 2020.

2.3 AIMS AND OBJECTIVES

- 2.3.1 The aim of this research project is to respond to the question ‘How can the planning system best support the creation of an improved food environment in Scotland?’
- 2.3.2 The objectives of the project, and the section in which those objectives are addressed in this research paper, are set out as follows:

Table 1: Research Objectives

	Objective	Sections Addressing Objectives
1	Identify what are considered to be key characteristics of a good food environment from the perspective of the planning system in Scotland.	Section 3.2.
2	Identify whether the number (density) of particular shops or outlets in a place is a problem for creating an improved food environment.	Section 3.3 and 3.8.
3	Identify the degree to which the area around schools in Scotland is considered to be a bad food environment or is protected from becoming one.	Section 3.4 and 3.6.
4	Summarise key research and practice to concisely describe how the planning system in Scotland and other countries currently interacts with the food environment.	Section 3.2 to 3.8.
5	Identify examples of both effective and the less effective planning policies which target the aim of ‘How can the planning system best support the creation of an improved food environment in Scotland.’	Section 3.8 and 4.0.

2.4 RESEARCH METHODS

- 2.4.1 The outputs from this research will inform the Scottish Government’s position on the role of the planning system in controlling and creating an improved food environment.
- 2.4.2 The Research Methodology evolved as the project progressed due to the nature of research available, Table 1 outlines the methodology applied. It was originally anticipated that a questionnaire would be circulated to local authorities in Scotland to ascertain the Scottish approach to controlling and/or improving the food environment around schools, but this was deemed unnecessary due to the lack of policy or guidance in this area.
- 2.4.3 A Steering Group was established and provided advice and input to the Research Team. It was agreed with the client that constructive engagement with the Steering Group removed the need for a Stakeholder Workshop. Members of the Steering Group were:

- Stephanie Chambers (Research Fellow, Social and Public Health Sciences Unit, University of Glasgow);
- Jill Muirie (Public Health Programme Manager, Glasgow Centre for Population Health);
- Heather Peace (Head of Public Health Nutrition, Food Standards Scotland);
- Christopher Russell (Scottish Government, Population Health Directorate);
and
- Simon Bonsall (Scottish Government Planning and Architecture Division).

Table 2: Methodology

Stage	Task
STAGE 1 INCEPTION	<ul style="list-style-type: none"> • Met with Client Group to discuss and agree programme of work, main aims, strategic vision and work programme.
STAGE 2 LITERATURE REVIEW	<ul style="list-style-type: none"> • Comprehensive review of the available literature to form an in depth understanding of how planning systems, including a review of UK wide and other relevant international examples, currently interact with the food environment. • Summarise key research and practice meeting the project aim on how the planning system can best support the creation of an improved food environment, and establish an understanding, through research and analysis of the project objectives. • First Draft of Literature Review and Bibliography issued to Steering Group for comment and additional research and policy identified and incorporated into reporting.
STAGE 3 DRAFT POLICY ANALYSIS AND REVIEW	<ul style="list-style-type: none"> • Analysis of planning policy and guidance that looks to control the food environment and consideration of the effectiveness of such policy in practice.
STAGE 4 WRITTEN REPORT	<ul style="list-style-type: none"> • Draft of the report issued to Client and Steering Group for comment. • Final version of the review for approval and finalisation by the Client Group. The output to be a written report covering the aims and objectives of this project, including an executive summary and conclusions and interpretation of information where relevant.

2.5 REPORT STRUCTURE

2.5.1 The report is structured as follows:

- Section 3 Literature Review
- Section 4 Policy Analysis
- Section 5 Conclusions

3 Literature Review

3.1 INTRODUCTION

3.1.1 This literature review has identified key research, evidence and practice regarding how the planning system in Scotland and, more notably, other countries, interacts with the food environment. The interventions introduced will be considered, with a particular focus on how food outlets in the vicinity of schools can be better controlled. It is understood that this will inform the review of Scottish Planning Policy.

3.2 KEY CHARACTERISTICS OF A GOOD FOOD ENVIRONMENT

3.2.1 The 'Food Environment' is defined as the food available to people in their surroundings and is often described as the "interface or link between food systems and diets" (Food and Agriculture Organization of the United Nations, 2012, Pg. 5). The range of foods available, affordability, nutritional quality, convenience and desirability in the given context are all aspects of what makes up a food environment (Herforth and Ahmed, 2015). Hawkes et al. (2015 as cited in Food and Agriculture Organization of the United Nations, 2012, Pg. 5) "describe the concept as comprised of the everyday prompts which nudge consumers' food choices in particular directions, and which contribute to dietary habits and preferences that can have long-term impacts, especially in children". Food labelling and marketing are also important aspects of a food environment that can be influential in supermarkets, convenience stores, cafes, restaurants, takeaways, work and school canteens and all other venues where people procure and eat food.

3.2.2 Whilst the research undertaken did not explicitly identify what constitutes a good food environment, broadly speaking healthy food environments enable consumers to make nutritious food choices with the potential to improve diets and reduce the burden of malnutrition (HLPE, 2017). There is a growing body of research around examples of 'bad' or 'unhealthy' food environments incorporating and including studies around 'food deserts' and 'obesogenic environments' (Fraser 2010). It has been argued that, in part, the increase in obesity is due to a change in food environment. Healthy food environments are being converted to food environments with a focus on convenience, largely encouraging energy dense, nutrient poor food choices (HLPE, 2017).

3.2.3 Broadly speaking, a 'food desert' is an urban area in which it is difficult to buy affordable or good-quality fresh food (Hendrickson et al, 2006). A consequence of poor access to fresh food is that residents often have increased exposure to energy dense food readily available at convenience stores and fast food restaurants (Drewnowski and Specter, 2004). It has been argued that the current

environment has developed in such a way that makes it easier for people to consume more energy dense food and to be less physically active (Holsten, 2009). This is known as an 'obesogenic environment' (coined by Swinburn et al in 1999) where obesity is promoted through surroundings, opportunities or conditions (Martin, 2017). As a result of these observed trends, reducing obesity is now a key goal of global health policy.

- 3.2.4 While research into the obesogenic environment has traditionally focused on environmental exposures near the home, there has been increased interest in non-residential environments and one setting of particular interest is the retail environment around schools (Williams et al, 2015).
- 3.2.5 Understanding the influence of such food environments on diet and health has become more urgent with recent changes in society (Burgoine et al, 2014). It is thought that the increase in consumption of food away from home and the number of takeaway outlets in the UK has led to rising levels of people being overweight and obese however, the rise in obesity cannot solely be attributed to food being consumed out of home.
- 3.2.6 Public Health England (PHE) (2017) state that the food environment plays an important role in promoting a healthy diet, but this is a complex system influenced and determined by a series of factors, including a person's proximity to food retail outlets and the type of food available. PHE go on to state that, to date, there is relatively limited good quality evidence on the influence of the food environment on health and wellbeing outcomes. Most research in the area has focused on the relationship between the availability of individual food outlet types (i.e. supermarkets, fast food) and obesity, rather than measures that combine multiple types of food outlets or that directly measure food availability (Cobb et al, 2015; Larsen et al, 2014).
- 3.2.7 The Food Foundation (2016) undertook research looking at what typical British families eat, and what is influencing their choice of food and drink. They examined how easy it is for families to choose a healthy diet and reviewed whether government policy could do more to make healthy choices easier. The research found that the number of eating-out establishments has increased by 53% in the last 10 years and there are now more places to eat out than there are shops to buy food in. Planning regulation was identified as a potential measure to control the impact of fast food restaurants.

3.3 DENSITY, CLUSTERING AND THE FOOD ENVIRONMENT

- 3.3.1 The drivers behind health-related behaviours, such as poor diet, are multifactorial and impacted by the broader physical, social, economic and cultural environments (Shortt et al, 2014). The retail environment including fast

food has been researched more recently, specifically the way in which it may contribute to people's eating choices.

- 3.3.2 Modifying the distribution and density of takeaway food outlets in cities and neighbourhoods is becoming an increasingly important element of nutrition and health policy in both the UK and United States (Burgoine et al, 2014). However, despite increasing policy focus, identifying the association between exposures to outlets selling unhealthy food, diet, and body weight has proved challenging, and the evidence base remains ambiguous (Caspi et al, 2012; Williams et al, 2014; Griffiths et al, 2014, Burgoine et al, 2016). It is clear however that a greater number of fast food outlets are more likely to be clustered within more deprived areas (MacDonald et al, 2018).
- 3.3.3 It has been argued that the over simplification of the research by looking at 'fast food' outlets and 'healthy food' options ignores the wide range of unhealthy foods available at most, if not all supermarkets. While the focus in research and policy discussions has been on fast food and takeaway outlets, it is important to consider other sources of convenient, energy dense foods such as supermarkets, convenience stores and petrol stations. The latter however are more likely to provide healthy food options.
- 3.3.4 Griffiths et al (2014) argue it is reasonable to assume that neighbourhoods, which have many fast food takeaways, may also have outlets selling healthy food that dilute the exposure to fast food. This suggests that focusing on one particular outlet type does not truly characterise a person's food environment. Building upon this point, Cobb et al (2015) found evidence that the overall food environment more broadly, rather than availability of specific outlet types, may be linked to obesity.
- 3.3.5 The 'Food Environment Assessment Tool' is an interactive tool that maps, measures and monitors regional and neighbourhood density and clustering of a range of food outlet types (takeaways, convenience stores, cafes, restaurants, supermarkets) across England, including changes over time. The tool is based on research undertaken by the Centre for Diet and Activity Research (CEDAR) and is underpinned by a growing body of scientific evidence that the food we can access in our neighbourhoods is closely related to which foods we buy and eat (CEDAR, 2018).
- 3.3.6 Although there is conflicting evidence and some studies do not show a statistically significant relationship between outlets selling unhealthy food and consumption or weight gain, overall the evidence would suggest that increased exposure to outlets selling unhealthy food increases a person's likelihood of gaining weight.

3.4 THE FOOD ENVIRONMENT AROUND SCHOOLS

- 3.4.1 The Scottish Government describe a good food environment or a “positive food environment around schools [as] one where healthy options are readily available and which supports children and young people to develop the habits necessary to help them to lead longer, healthier lives” (Scottish Government, 2014, Page 5). The research available has not identified the degree to which the area around schools in Scotland is considered to be a bad food environment.
- 3.4.2 Whilst there is a focus on improving nutrition standards within schools, such as regulating food served and sold (Tang et al, 2014, Carter and Swinburn, 2004; Fox et al., 2009; Story et al., 2009) there is a growing body of research across countries such as the UK, USA, Canada, Germany and New Zealand on the impact of the food environments around schools. Research has shown that food environments around schools play an important role in dietary choice and quality of food available to students, especially for those that have the opportunity to leave school grounds at lunchtime (Clark et al, 2014, Simon et al, 2008).
- 3.4.3 The effect of the food environment outside schools on children and young people’s diet is complex (Clark et al, 2014, Shephard et al 2006). The evidence between the presence and availability of hot food outlets and obesity produces unclear and conflicting results (Fraser et al, 2010) and the relationship and association between exposure and consumption is also poorly understood (Griffiths et al, 2014). However, the range of foods available, affordability, nutritional quality, convenience and desirability in the given context will influence dietary choices and as previously noted, the evidence would suggest that increased exposure to outlets selling unhealthy food increases a person’s likelihood of gaining weight.

Associations Between Fast Food Outlets Near Schools on Consumption and Body Weight

- 3.4.4 Williams et al (2014) investigated the associations between food outlets near schools and children’s food purchases and consumption. Through a review of 30 research papers they found little evidence for an effect of the retail food environment surrounding schools on food and consumption.
- 3.4.5 Research found limited evidence for the association between the local food environment and obesity (Cobb et al, 2015; Williams et al, 2015; Griffiths et al, 2014; Patterson et al, 2012; Crawford et al, 2008). Similarly, Buck et al (2013) and Timperio et al (2008) demonstrated that there was no association between the availability of fast food along the home-school commuting route and consumption. It was considered that more research is needed to inform effective policies targeting the effects of the retail environment on child obesity as there is

not a strong enough evidence base to support policies aimed at regulating the food environment around schools.

- 3.4.6 In contrast, Burgoine et al (2014) found that exposure to takeaway food outlets was positively associated with consumption of takeaway food. Research demonstrated that teenagers who are exposed to more fast food outlets near their homes are more likely to consume fast food and that this in turn was associated with a higher Body Mass Index (BMI) (Fraser et al., 2010; Gilliland et al, 2012). Forsyth et al (2012) reported similar findings in boys but not girls.
- 3.4.7 Tang et al (2014) found that food outlets that sell energy dense, low cost foods are often located in the vicinity of schools, and students are more likely to purchase foods from these outlets. Similarly, Sadler et al (2016) examined the influence of adolescents' exposure to outlets selling unhealthy food on unhealthy food purchasing during trips between home and school. Results showed that adolescents' exposure to outlets selling unhealthy food between home and school had a significant effect on the likelihood of unhealthy food purchasing. The study concluded that policies and programmes that mitigate the concentration of outlets selling unhealthy food close to schools are important in promoting healthy eating behaviours.

Associations Between Outlets Selling Healthy Food Near Schools on Consumption and Body Weight

- 3.4.8 Looking at the reverse, access to outlets selling healthy food, Larsen et al (2014) found that living in an area with a higher density of outlets selling healthy food and in close proximity to a supermarket decreased the odds of being overweight or obese. When looking specifically at schools and young people, Tang et al (2014) found that there is an association between proximity to healthy outlets and supermarkets that offer healthy options near schools and students' healthier weight status.
- 3.4.9 When considering the barriers and facilitators to young people eating healthily, Shepherd et al (2006) found that young people place considerable value on choice and autonomy in relation to food. A positive approach, rather than a coercive one, was better received by young people i.e. increasing the range of healthy and affordable food in schools. Similarly, Clark et al (2014) found that the balance of food outlets, both unhealthy and healthy, has more impact on dietary quality in children and young people, as having access to different types of outlets allows the option to make healthy choices.
- 3.4.10 Crawford et al (2012) explored the impact of a pilot study carried out in Glasgow that introduced a lunchtime stay-on-site policy for junior secondary school pupils. The research compared the quality of foods purchased offsite by senior secondary school pupils against the Scottish Nutrient Standards for school

lunches. There was a significant difference between the nutritional quality of the food available within the school and commonly sold by external outlets in the vicinity of the school. The majority of those younger pupils currently staying in school for lunch expressed that they intended to leave the school to buy lunch off-site when the policy no longer applied to them. The study concluded that schools alone cannot tackle children's healthy eating as it is based on a range of factors. Collaboration between potential regulatory bodies is required to tackle the multi-faceted childhood obesity issue.

3.5 ROLE FOR PLANNING

- 3.5.1 The rise in obesity prevalence has led researchers and policy makers to look at the role of the social and built environment and explore the idea that food environments are a contributing factor (Goodwin et al, 2014).
- 3.5.2 The causes of obesity are considered to be multifaceted and embedded in various aspects of the environments in which people live (Foresight, 2007; Martin, 2017; Crawford et al, 2012). Research has found that when addressing whole system problems, such as those resulting from an obesogenic environment, local policy-making is necessary but not sufficient and planning on its own cannot address the problem (Caraher et al, 2013; Conrad et al, 2012). It is recognised that action must be taken across an array of different areas but it is widely accepted by public health professionals that the planning system has the opportunity to support healthy behaviour choices through interventions in the built environment (Kent and Thompson, 2014). Planners have therefore been identified as one group of professionals that could engage more with public health to help tackle obesity related behaviours through the built environment (Edwards and Tsouros, 2006).
- 3.5.3 Crawford et al (2012) note that if the availability of healthy foods in the neighbourhoods around schools is to become a reality, a range of factors and influences, such as nutritional quality of convenience food, promotional offers and school stay-on-site policies (amongst other things) at local, regional, national and global level need to be considered and addressed. Freudenberg et al (2010) considered 11 strategies to address issues of childhood obesity recommended by researchers from the City University of New York and London Metropolitan University. One strategy identified was to use planning as a tool for influencing the built environment to promote health i.e. by using zoning to limit access to fast food.
- 3.5.4 Yet in the context of conflicting evidence linking food environments to obesity, policy makers will need to rely on a local evidence base in the attempt to address the rise in obesity (Cobb et al, 2015, PHE, 2017). Griffiths et al (2014) note that the research to date suggests that policy makers should approach policies designed to limit fast food outlets with caution. Williams et al (2014) also

conclude that there is currently conflicting evidence making it difficult to justify policies related to regulating the food environments around schools. It is noted that further studies are required that need to be undertaken for longer periods of time with “more refined exposure and outcome measures [that] may lead to higher quality evidence that may inform more effective public health interventions” (Williams et al, 2014, Page 15).

3.6 THE PLANNING SYSTEM’S INTERACTION WITH THE FOOD ENVIRONMENT

3.6.1 The following section summarises key research and practice to concisely describe how the planning system in Scotland and England currently interacts with the food environment. Our research has shown that the English planning system, a plan led system, similar in nature to Scotland’s planning system, provides a good example of how policies and guidance can be introduced at national and local level which identify the food environment as a material planning consideration.

Scotland

3.6.2 The purpose of the planning system in Scotland is to “create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth” (Scottish Planning Policy, 2014, Page 5). National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) are statements of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. These planning documents must be taken into account in the preparation of Strategic and Local Development Plans.

3.6.3 National planning policy has been identified as one potential tool to control the food environment, but this approach is not currently being used in Scotland. References to health and well-being in NPF3 and SPP focus on aspirations around improving quality of place, active travel networks and access to green spaces. There is no apparent reference to tackling obesity or opportunities through planning policy to influence the food environment.

3.6.4 Local Development Plans (LDPs) set out detailed planning policies for each individual planning authority area and decisions on planning applications are expected to align with the Development Plan policies unless material considerations indicate otherwise. A review of Development Plans across Scotland has found that current planning policy has no interaction with the food environment in so far as seeking to address obesity is concerned. As a result, the degree to which the area around schools in Scotland is protected from becoming a bad food environment is not apparent in planning terms.

Use Class Order – Scotland

- 3.6.5 Circular 1/1998 interprets The Town and Country Planning (Use Classes) (Scotland) Order 1997. The Circular notes that planning permission is not normally required when the existing and proposed uses fall within the same 'use class'. For example, a hairdresser could be changed to a post office without the need for planning permission as these uses fall within the same 'use class', and a restaurant could be changed to a shop as the Use Class Order allows this type of change to occur without requiring planning permission.
- 3.6.6 With respect to food and drink the Use Classes Order Circular notes:
- **Use Class 1** - Shops selling cold food, such as sandwiches, for consumption off the premises fall within Class 1. A sandwich bar does not cease to be in the shops class merely because it also sells hot drinks, or if a few customers eat on the premises.
 - **Use Class 3** - The food and drink class groups together a range of uses where food or drink is sold for consumption on the premises - for example restaurants, cafes and snack bars. Class 3, which reflects the breaking down of the traditional boundaries between different types of premises, enables the catering trade to adapt to changing trends and demands with greater speed and certainty in premises where the potential environmental nuisances such as smell, traffic and parking have already been accepted.
 - **Sui generis** - Establishments selling hot food for consumption off the premises are not included in Class 3 and are instead classed as sui generis. This is because hot food take-away shops raise somewhat different environmental issues, such as litter, noise, longer opening hours and extra traffic and pedestrian activity, from those raised by other Class 3 uses. This does not mean that a restaurant whose trade is primarily in-house dining but which has a minor take-away cannot be in Class 3. Where takeaway is a minor component of the business and will not affect environmental amenity it should be treated as de minimis, i.e. as not requiring planning consent.

Scottish Government – Obesity Route Map and Action Plan

- 3.6.7 The Obesity Route Map (2010) has been a key driver in contributing towards the Government's efforts to tackle obesity. It is noted within the Obesity Route Map Action Plan that the land-use planning system in Scotland offers one of the most important opportunities for shaping the living environments to make active living easier, safer and more appealing. Scottish Planning Policy is currently promoting this through supporting the creation and maintenance of greenspace, including green transport corridors, close to where people live. However, evidence noted within the Obesity Route Map Action Plan has shown that increasing our physical activity levels has a limited role in addressing obesity and more needs to be done to improve diet.

3.6.8 The Scottish Public Health Network reviewed the Route Map in 2015 (Grant, 2017), suggesting it represented a reasonable response to the challenge but also identifying areas where further action was needed. This led to the 'A Healthier Future' Consultation Paper.

Scottish Government – Supporting Healthy Choices

3.6.9 The Supporting Healthy Choices Framework (2014) set out the Scottish Government and the Food Standards Agency in Scotland ambition to work collaboratively with partners to improve Scotland's diet and tackle health inequalities.

3.6.10 The Supporting Healthy Choices research paper, undertaken by the Glasgow Centre for Population Health (2012), looked at the nutritional quality of food available in out-of-home catering in the vicinity of schools. Research identified that the nutritional quality of out-of-home options can contrast starkly with those available within schools. When considering the types of food available and consumed by pupils from five secondary schools in Glasgow, research found that the food purchased at lunchtime outside of school tends to be high in fat, salt and sugar and is often supplemented with non-diet soft drinks, confectionery and crisps.

3.6.11 In response, the following commitment was implemented: *“We invite retailers and out of home caterers to provide and incentivise healthier meal deals (can include breakfast, lunch and dinner meal deals), especially where customers include school age children purchasing lunch”* (The Scottish Government and Food Standards Agency, 2014, Page 12).

Scottish Government –Beyond the School Gate

3.6.12 In 2014, the Scottish Government published Beyond the School Gate which provides guidance for local authorities, schools, retailers and caterers on how they can positively influence the food environment around schools and encourage and support school-age children to make healthier choices at lunchtime and throughout the school day.

3.6.13 Where progress has been made on influencing the food provision and food education available in schools this has highlighted that there is the opportunity for children and young people to purchase food from nearby outlets. Therefore the “food environment around schools has an equally important role to play in encouraging children and young people to eat a healthy diet” (Scottish Government, 2014, Page 2).

3.6.14 It is acknowledged by the Scottish Government that “lifestyle choices of individuals are not controlled through the planning system but overall the

planning system seeks to deliver long-term benefits for people” (2014, Page 40). The Scottish Government state that there is consensus that there is a need to inspire healthier diets, particularly amongst children and young people. Beyond the School Gate provides advice on the potential for the planning system in Scotland to help tackle the over provision of food outlets outside schools. It also states that, as it stands, the planning system may not readily lend itself to this purpose.

SPICe Briefing – How can we Reduce Obesity in Scotland?

3.6.15 The Scottish Parliament Information Centre prepared a Briefing Paper (2017) that, amongst other things, explored potential policy interventions drawn from the McKinsey Global Institute Report – ‘How the world could better fight obesity’.

3.6.16 ‘Food Facilities’ was identified as a potential policy intervention with the aim to improve diet by increasing the number of facilities where healthy food can be purchased. When assessing evidence as to whether the intervention will improve health, it was noted that the physical proximity to food retailers does not seem to be correlated with a healthy diet. Healthy food choices do seem to be available from food retailers within deprived urban areas but there is some evidence that healthier food (particularly fruit and vegetables) may be more expensive, lower quality or less varied in these areas.

Scottish Futures Forum – Effective Interventions for Tackling Scotland’s Obesity Problem

3.6.17 MSPs from the Health and Sport Committee, MSP researchers, Parliament staff, academics, health practitioners and other interested parties were invited to an event held in October 2017. The event set the context and provided some information on the breadth of policies that could help tackle Scotland’s obesity problem and allowed groups to consider different policy approaches and their effect on people.

3.6.18 Discussions noted that the environment in which we live must make eating healthily and being active the easiest option. Planning rules were considered an option to decrease the prevalence of outlets selling unhealthy food and increase prevalence of outlets selling healthy food in deprived areas. The idea of restricting the operational capacity of outlets and keeping children in school during lunchtimes was also discussed.

Food Standards Scotland

3.6.19 Food Standards Scotland (FSS) continue to promote action to tackle poor dietary health and the food environment in Scotland. The FSS Board Paper (2016) notes that a collective responsibility is required and regulation may be warranted due to

the lack of progress based on voluntary measures. Control of the built environment at a local level through licensing and/or planning conditions was identified as one such measure.

3.6.20 The potential to explore additional local authority regulatory measures, such as planning and licensing conditions, was included in the January 2016 Board paper. This covered the siting and density of food establishments.

3.6.21 The March 2017 Board Paper noted the importance of being able to establish workable standards, with regard to the nature and scale of different types of food business, as a basis for regulation. FSS is developing a Geographic Information System to map and spatially analyse food establishment information. A spatial dataset will provide FSS with the evidence to overlay the density of certain classes of establishment and their relative proximities to other amenities, such as schools. The creation of this system will assist in policy development relevant to the external food and drink environment. It should be noted that a similar system exists in England, as discussed later in this research paper.

3.6.22 In the concluding section of the Board Paper, it was recommended that FSS work in partnership with others to promote, encourage and participate in the development of standards to regulate the food environment in Scotland.

Glasgow Centre for Population Health

3.6.23 In order to inform on-going policy and practice, the Glasgow Centre for Population Health (GCPH) has facilitated research and evaluation on the impact of healthy school food policy on pupils' health and wellbeing. GCPH note that over the last decade, the school lunchtime environment and meal standards have steadily improved through policy, legislation, and school-based healthy eating programmes and initiatives. However, challenges remain in successfully promoting healthy eating both within school and beyond the school gate.

3.6.24 Key research findings have highlighted the multiple benefits of initiatives such as lunchtime stay-on-site policies for junior secondary school pupils (GCPH, 2012). Recommendations included a range of approaches to make remaining in school for lunch more attractive to secondary school pupils, such as the provision of lunchtime activities or external food kiosks in the school grounds. Regulatory measures to restrict access by children to nutritionally inappropriate meals and high energy and energy-dense foods from businesses located in the vicinity of school was also recommended, with the taxation of sugared drinks, sweets and snacks noted as one such measure.

3.6.25 GCPH held a seminar in June 2012 with the title 'How Healthy is 'Out of School' Lunchtime Food?' It was noted that regulatory measures could be applied by local authorities in neighbourhoods near schools, this included utilisation of

licensing and planning powers to control the number and concentration of commercial outlets selling take-away food in neighbourhoods near schools.

Scottish Government – A Healthier Future - Action and Ambitions on Diet, Activity and Healthy Weight

3.6.26 Planners have been identified by the Scottish Government as one group of professionals that could engage more with public health to help tackle obesity. In October 2017, the Scottish Government issued the consultation paper welcoming views on what actions would have the biggest impact on improving diet and weight across Scotland. It is noted that “improving the food environment is critical to achieving this aim” (Scottish Government, Page 2).

England

3.6.27 Research identifies that, across a number of local authorities in England, there is enthusiasm to control the local food environment around schools and other sensitive uses (e.g. leisure centres, community centres, parks) and that links can be made across formal public health services and local authority planning services to move towards a health promoting public health strategy (Caraher et al, 2013).

3.6.28 The concentration of hot food takeaways is an area of concern for planners due to their impact on the retail character of a place, noise, odour, litter and antisocial behaviour. In recent years concern, expressed through policy and guidance has extended to poor diet and obesity (NHS LHUDU, 2013). The research undertaken has found that many local authorities have developed policies and guidance to control hot food takeaways. This has been in response to “concerns about a proliferation of takeaways and the effect on diets and eating behaviour and obesity, in particular childhood obesity” (NHS LHUDU, 2013, Page 3).

3.6.29 There are a number of documents produced by various bodies across England that have reviewed obesity evidence and provided guidance on the range of policy instruments and actions that could be implemented. A number are noted below and have identified the potential role of the planning system in creating a healthier built environment.

National Planning Policy Framework

3.6.30 Within a planning policy context, this has been supported through the National Planning Policy Framework (NPPF). NPPF (2012, Page 41) states:

“Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship),

including expected future changes, and any information about relevant barriers to improving health and well-being”

Use Class Order – England

3.6.31 The Statutory Instrument 2005/84, which amends The Town & Country Planning (Use Classes) Order 1987, came into force on 21st April 2005. Amongst other things it disaggregated the former A3 Class into three separate use classes covering the food and drink sector, A3, A4 and A5.

3.6.32 The Order puts uses of land and buildings into various categories, Parts A, B, C and D. Part A is most relevant to controlling the food environment and contains the following five classes covering uses which will generally be found in shopping areas.

- **Class A1: *Shops***
- **Class A2: *Financial and Professional Services***
- **Class A3: *Restaurants and Cafes***
- **Class A4: *Drinking Establishments***
- **Class A5: *Hot Food Takeaways***

3.6.33 Classes A3, A4 and A5 give local planning authorities a greater degree of precision in making development control decisions, with a clearer view of the likely and continuing impact of those uses. The classes relevant to food and drink are discussed below. The Use Classes do not differentiate between different food types.

Class A1 – Shops (includes Sandwich Bars)

3.6.34 In considering where individual uses fall, it is the primary purpose that should be considered. A sandwich bar does not necessarily cease to be in the shops class merely because, for example, it also sells a limited amount of hot drinks, hot soup or food that is heated up. Similarly, it is possible for a few sandwich bar customers to eat on the premises, including at tables within or outside their establishments (e.g. on the forecourt) without involving a material change of use. Where this is only an ancillary part of their business, the classification of the business as a sandwich bar would rightly remain in the A1: Shops use class where the retail sales element is the primary purpose.

Class A3: Restaurants and Cafes

3.6.35 Class A3 is designed specifically for restaurants and cafés, i.e. places where the primary purpose is the sale and consumption of food and light refreshments on the premises. Many premises have a service area in which meals are served as well as a bar area for the serving or consumption of drinks. Nevertheless, the serving of drink in a restaurant is often ancillary to the purchase and

consumption of a meal. The primary purpose is what needs to be considered in determining whether a particular premises is classified in the A3 use class, or is a mixed use.

3.6.36 Premises in the A3 class have a permitted change of use to both the A1: Shops and A2: Financial/Professional services use class but not to any other use class.

Class A4: Drinking Establishments

3.6.37 Class A4 caters specifically for pubs and bars, i.e. places where the primary purpose is the sale and consumption of alcoholic drink on the premises.

3.6.38 Premises in this category have a permitted change of use to new A3: restaurant and cafe premises, as well as to both the A1: Shops and A2: Financial & Professional Services uses.

3.6.39 In making a determination as to the correct classification, some account may be taken of factors such as: whether the majority of customers on the premises are consuming alcoholic liquor exclusively; whether there is a public house licence; and whether there is any obligation or expectation for customers to consume a meal.

3.6.40 Where it is evident that the primary use of the premises is the purchase and consumption of alcoholic liquor on the premises, the use class will normally be A4, irrespective of the square footage which may be given over to dining as an additional service, or the revenue derived from that function.

Class A5: Hot Food Takeaways

3.6.41 Class A5 is the last of the newly-created classes from the former Food and Drink class. It caters specifically for takeaways and fast-food premises, i.e. premises where the existing primary purpose is the sale of hot food to take away. Takeaways are differentiated from restaurants because they raise different environmental issues, such as litter, longer opening hours, and extra traffic and pedestrian activity, from those generally raised by A3: Restaurant and Café uses. With A3 uses, any takeaway food sold on an ancillary basis is usually taken home for consumption.

3.6.42 It is recognised that many hot food takeaways exist on premises which are of considerable size in square footage terms - considerably larger, in some cases, than other restaurants within the locality which are classified as A3. The existence of tables and chairs within a hot food outlet does not, in itself, make the premises a restaurant where the takeaway element is predominant.

3.6.43 Premises in this category are permitted a change of use to new A3: Restaurant and Café premises, as well as to both the A1: Shops and A2: Finance and Professional Services uses, but not to any other use.

Public Health England Briefing Paper (2014)

3.6.44 Public Health England's Briefing Paper looks at the opportunities to limit the number of fast food takeaways (primarily hot food takeaways, especially near schools) and ways in which fast food offers can be made healthier. It is noted that planning authorities can influence the built environment to improve health and reduce the extent to which it promotes obesity – one important action is to modify the environment so that it does not promote sedentary behaviour or provide easy access to energy-dense food. It is noted that this could be done through:

- Developing formal recommendations on reducing the proximity of fast food outlets to schools, colleges, leisure centres and other places where children gather; and
- Local authority planning decisions should be subject to a Health Impact Assessment.

Public Health England - 'Health Matters: Obesity and the Food Environment' (2017)

3.6.45 The Guidance Note 'Health Matters: Obesity and the Food Environment' recommends, amongst other things, that planning guidance and policies should form part of a council's overall plan for tackling obesity. It states that policies should be supported by local evidence and demonstrate where relevant how development would have an adverse impact on the health and wellbeing of the local population or would undermine the local authority's strategy to tackle obesity.

Public Health England – Healthy High Streets: Good place-making in an urban setting (2018)

3.6.46 Public Health England published a report exploring how the design of high streets can impact public health. It highlights how, in areas of high deprivation, small, independent food retailers are being undermined by a proliferation of fast food outlets. Report recommendations include using planning and licensing policies to influence the retail offer on the high street, to support healthier food outlets.

Local Government Association - Building the foundations: Tackling obesity through planning and development (2016)

3.6.47 The report is based on the outcomes from a series of workshops with 15 councils across England, facilitated by the Town and Country Planning Association (TCPA) and Public Health England. The insight gained from the workshops are set out within seven possible areas for local action which councils might consider taking forward.

- Leadership is vital;
- Whole-system policies on obesity;
- Public health and planning team collaboration;
- Assess planning applications on how they influence the food environment;
- Evaluate the effectiveness of healthy weight environment initiatives;
- Gather evidence of healthy weight environments that is appropriate for planning;
- Support delivery through knowledge and skills development.

3.6.48 The findings highlighted that there is no single way of working on these issues as each place has its unique population profile, geography, obesity levels and political and institutional arrangements. It was acknowledged that, although a vital element, planning will only ever be one way to help achieve a downward trend in obesity.

NHS London Healthy Urban Development Unit - Good Practice Guide (2013)

3.6.49 The NHS London Healthy Urban Development Unit produced a Good Practice Guide (2013) in response to concerns about a proliferation of takeaways and the effect they are having on diets, eating behaviour and in particular childhood obesity. In doing so, a review of planning policy approaches to control hot food takeaways was undertaken.

3.6.50 The Good Practice Guide outlines national and London specific policy and guidance and the role of the planning system in controlling fast food outlets in particular, it reviews the policy approaches taken and recommends a coordinated approach using planning policies together with other local authority initiatives.

3.6.51 The paper then identifies where the role of the planning system is limited (Page 12):

- *“All outlets which sell hot food for consumption off the premises are classified as Class A5. The Use Classes Order does not define what type of food can be sold.*
- *There is no definition of an unhealthy hot-food takeaway. Not all Class A5 uses are unhealthy. The salt and fat content of takeaway food varies considerably. A ‘healthy’ A5 hot takeaway could be replaced by an ‘unhealthy’ hot food takeaway without the need for planning permission. Of particular concern is fried fast food which, depending on the frying oil used, can contain high levels of trans fats which increase the risk of coronary heart disease.*
- *The planning system cannot deal with existing takeaways, other than to take enforcement action on unauthorised uses.*

- *‘Fast food’ outlets are not defined and a wide range of outlets sell ‘energy-dense’ food, i.e. bakers, newsagents, grocers and supermarkets. Other types of outlets may cause problems, i.e. ‘burger vans’.*
- *Many restaurants provide a take-away service, but are classified in a different use class (Class A3).*
- *Many hot food takeaways operate a home delivery service rather than rely solely on passing trade”.*

3.7 COUNCIL RESEARCH CASE STUDIES

3.7.1 The case studies discussed below refer to local planning authorities in England which have commissioned research studies to provide justification for policy and guidance related to regulating the food environment.

London Borough of Tower Hamlets

3.7.2 The Council and NHS Tower Hamlets considered the number and distribution of hot-food takeaways in the borough a key determining factor on obesity levels. In response to a high-profile Appeal decision (The ‘Cable Street’ Case), the Council was one of the first local authorities in England to consider policy implementation around improving the food environment. The Appeal highlighted that in the absence of planning policy seeking to control the proliferation of hot food takeaways near schools, it was difficult for the Inspector to refuse an application on such grounds.

3.7.3 The Council therefore commissioned work to be undertaken to develop a robust development management framework for managing the number and location of hot-food takeaways and to recommend approaches for integrating health issues into planning policy and the development management process.

3.7.4 The work undertaken was published in ‘Tackling the Takeaways’ (Dr Foster Intelligence & Land Use Consultants, 2011) where a number of local evidence based draft policy options were recommended. These options were refined in consultation with Tower Hamlets’ planning officers and legal team to be included in the forthcoming Development Management Development Plan Document (DPD). The policies sought to guide hot food takeaways to town centres, limit concentration and clustering and protect the food environment around schools.

North Tyneside Council

3.7.5 North Tyneside Council commissioned a report (in partnership with Capita, November 2015) to review studies from elsewhere, including national and local planning policy guidance. North Tyneside’s Local Plan identified health as a key issue to be addressed and that the over-concentration and clustering of A5 uses in an area can have an adverse impact on the amenity of surrounding properties

and neighbouring uses. The research found that NPPF justifies policies that aim to improve the health of children and young people, by limiting their exposure to hot food takeaway outlets. Though the research does not directly propose specific policy for North Tyneside, it paves the way for such a policy to be developed. It is however specific about the opportunity "... in which planning can have the greatest impact on health, and in particular obesity levels, [through the] restriction of new hot food takeaways" (Page 2).

Brighton and Hove

- 3.7.6 Research undertaken in Brighton (Brighton and Hove City Council Planning Department, NHS Sussex / Brighton and Hove City Council Public Health Directorate, 2011) considered the evidence of the role the built environment has in shaping our lives and the influence planning policies can have in tackling obesity by creating built environments that encourage healthier lifestyles.
- 3.7.7 The study mapped where hot food takeaways are geographically situated in relation to secondary schools in Brighton and observed secondary school pupils' movements and behaviours at lunchtime in relation to availability of food outside school premises. With regards to purchasing 'unhealthy' food types it was found that hot-food takeaways were only part of the problem, with newsagents and supermarkets equally influential on the unhealthy choice of pupils.
- 3.7.8 They also found that the catchment area is defined by time, not distance. It was found that a 800m buffer around schools was more relevant and covered significantly more lunchtime journeys than 400m. The research recommends that future policy could:
- "Require the attachment of conditions to control hours of opening at school lunchtimes and leaving times;
 - Consider a requirement for section 106 contributions or a community investment levy from developers for all new A5 premises across the city to alleviate their impact on the local area. This citywide fund will go towards NHS promoting healthier eating campaigns."
- 3.7.9 The study identified that the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day.

Medway Council

- 3.7.10 NHS Kent and Medway commissioned a review (Ross, 2013) of English LPA policies on hot food takeaways. The research identified 21 LPAs which cite obesity concerns in their policies to restrict hot food takeaways (A5 uses). The research found that there is a high degree of consistency between the policy

proposed to restrict access to hot food takeaways – generally a 400m exclusion zone (outside designated centres). However, there is variation as to what uses the exclusion zone is applied to. Approaches used across LPAs include the application of an exclusion zone around the following uses:

- Primary schools;
- Secondary schools and sixth form colleges;
- Youth facilities and community centres;
- Playing fields/parks and children’s play spaces; and
- Leisure centres.

3.7.11 Some LPAs have taken the view that an exclusion zone need only apply to secondary schools because primary school children are not permitted to leave the school grounds at lunchtime.

3.7.12 LPAs have also included policies to limit the number of hot food takeaways in shopping centres and along high streets (that is, in locations outside of exclusion zones). These include policies such as those which follow and relate largely to issues of retail character and other material considerations not specifically the food environment relative to obesity:

- No more than a defined percentage of the units within a shopping centre or frontage should be hot food takeaways;
- No more than two hot food takeaways are to be located beside each other; and
- There should be at least two units of another use between a group of hot food takeaways.

3.7.13 The research found that five LPAs have had their policies tested successfully on appeal. The research did state however that multiple factors are taken into account when assessing a planning application, it is not possible to give a precise number of hot food takeaways that have been rejected due to the obesity-influenced policies developed by LPAs.

London Plan – Topic Paper January 2018

3.7.14 The London Plan Topic Paper on Hot food takeaways sets out the policy approach to hot food takeaways within the forthcoming London Plan. National planning policy presents a framework that enables local authorities to restrict hot food takeaways within walking distance of schools due to their impact on health. The paper notes that many local authorities in London have developed planning policies to manage hot food takeaways around schools and their overconcentration within town centres. However, there is not a consistent approach across the city and it has been noted that “the lack of hot food takeaway planning policies in some boroughs has a negative impact on health

inequalities across London, particularly since more deprived local authorities have a higher density of fast food outlets” (Page 2).

- 3.7.15 At the time of the research, 24 London boroughs had prepared policies or guidance on hot food takeaways, generally taking a distance or a concentration policy approach. A total of 10 boroughs have adopted Local Plan policies to restrict A5 uses within the proximity of schools and 15 London boroughs have adopted Local Plan policies to manage the overconcentration of A5 units.
- 3.7.16 The paper recommends a consistent policy approach is taken across London and development proposals containing A5 hot food takeaway uses should not be permitted within 400 metres walking distance of an existing or proposed primary or secondary school. It is stated that where development proposals involving A5 hot food takeaway uses are permitted, these should be conditioned to require the operator to achieve, and operate in compliance with, the Healthier Catering Commitment standard (which helps caterers and food businesses make simple, healthy improvements to their food).
- 3.7.17 It was noted that the preparation of a new London Plan will help to establish a consistent policy approach across London. It is considered that restricting permission for additional new hot food takeaways around schools will contribute to promoting healthy eating across London.

3.8 PLANNING AUTHORITY POLICY AND GUIDANCE – ENGLAND

- 3.8.1 As noted earlier in this Literature Review a number of Planning Authorities in England have, pursuant to the requirements and findings of the National Planning Policy Framework, and other national research, prepared Development Plan policies and/or Supplementary Planning Documents with a view to controlling the food environment on health grounds.
- 3.8.2 In the report ‘Tipping the Scales’ (LGA, 2016), the Local Government Association considered how a number of councils have used their planning powers to limit hot food takeaways and, as far as possible, what the impacts have been. Some of the key findings of this research are noted below:

Table 3: Tipping the Scales Research Findings

Local Evidence	Details of the Supplementary Planning Document	Outcomes
Gateshead Council		
<p>As part of the Gateshead Independent Takeaway Study Analysis of Nutrient Data (2013), foods from all 187 independent takeaways in Gateshead were sampled and the nutrient content recorded. It was found that a large proportion of takeaway food contained more than 66 per cent of the recommended intake for a woman of calories, fat and saturated fat. In Gateshead, there were 1.03 hot food takeaways per thousand people, higher than the (then) national average of 0.86 per thousand.</p>	<p>The SPD (2015) notes that planning permission will not be granted for A5 use:</p> <ul style="list-style-type: none"> • Within a 400m radius of entry points to secondary schools, youth centres, leisure centres and parks; • In wards where there is more than 10 per cent of the year 6 pupils classified as obese (as measured by the National Child Measurement Programme (NCMP)); • Where the number of approved A5 establishments, within the ward, equals or exceeds the UK national average, per 1000 population; • Where it would result in a clustering of A5 uses to the detriment of the character and function or vitality and viability of a centre or local parade or if it would have an adverse impact on the standard of amenity for existing and future occupants; and • Where it would lead to more than two consecutive A5 uses in any one length of frontage. Where A5 uses already exist, a 	<p>As of January 2016, three outlets have been refused planning permission on one or more of the grounds described since the SPD was issued.</p>

Local Evidence	Details of the Supplementary Planning Document	Outcomes
	<p>gap of at least two non A5 uses is required before a further A5 use is permitted in the same length of frontage.</p> <p>Each application for A5 uses is required to include a Health Impact Assessment.</p>	
Sandwell Council		
<p>Obesity prevalence among Year 6 children (aged 10-11 years), as measured by the National Child Measurement Programme (NCMP), was recorded at 24.3 per cent (2012/13 and 24.6 per cent (2013/14) of children within Sandwell being classified as obese, significantly worse than the English average.</p> <p>Research undertaken in 2014 found that of 250 samples from Sandwell hot food takeaways salt, sugar and fat content exceeded recommended guideline daily allowances in nearly three quarters of samples.</p>	<p>The updated SPD (2016) notes that no new Hot Food Takeaway Developments will be permitted where they are within 400 metres of a secondary school or college site as measured in a direct line from the school entrance(s) used by pupils / students. The Council stated that it was important to produce a document as much based on empirical evidence as possible, in order to provide an objective justification for the introduction of the SPD.</p>	<p>The most recent statistics for planning applications (2012/13) withdrawn and refused show that all four of the refused Hot Food Takeaway applications have been as a result of the Hot Food Takeaway SPD (2012). An additional withdrawal can also be attributed to the SPD. When these applications were examined it was noted that most of them were likely to have been approved if the HFTSPD had not been in place. Sandwell Council stated that having policies and planning guidance in place can be helpful at all three stages (pre-application, application and appeals) in the planning process. The SPD has formed an important part of the decision-making process.</p>

Local Evidence	Details of the Supplementary Planning Document	Outcomes
St Helens Council		
<p>Research found that fast food outlets in the borough were growing by 1 per cent per year in proportion to other food businesses between 2002 and 2010. The borough was 'saturated' with 165 hot food takeaways in 2010 with 20,000 obese residents costing the local health service an estimated £3.6 million per year.</p>	<p>The SPD (2011) notes that no new Hot Food Takeaway Developments will be permitted within a 400m exclusion zone around any primary or secondary school and sixth form college either within or outside Local Education Authority control. The Council stated that the exclusion zone around primary schools was justified by research indicating that the most popular time for purchasing food from shops is after school. Therefore, although primary school pupils should not be allowed out of school during the school day, the exclusion zone was deemed appropriate. It was recognised that students from 6th form colleges have freedom to visit takeaways during lunchtime and travelling home and hence they were included within the exclusion zone.</p>	<p>Since introducing its policy and SPD, the Council has had four planning appeals from businesses proposing to open a hot food takeaway which were all dismissed by the Planning Inspectorate. Only one of these decisions gave weight to the SPD however, with other dismissals not based on obesity related issues.</p> <p>Since introducing the SPD, the number of hot food takeaways in the borough dropped in the first two years and remained static thereafter. Although some outlets closed because of the economic down turn, the Council believe that the existence of the SPD has had some influence on the number of applications being pursued. However, the Council acknowledges that it is too soon to understand any direct impact on obesity which, in any case, is a multi-factorial phenomenon.</p>
Waltham Forest Council		
<p>The London Borough of Waltham Forest was the first council to develop a SPD specifically to tackle the health impacts of</p>	<p>The SPD states that new hot food takeaways will be 'resisted' where the proposal falls within 400 metres or less from a school, youth</p>	<p>Since the adoption of the Hot Food Takeaway SPD in March 2009, 83 per cent of planning applications for hot food</p>

Local Evidence	Details of the Supplementary Planning Document	Outcomes
<p>hot food takeaways, by restricting their development around the 'school fringe'. When first considering this issue in 2008, the Council carried out public consultation on hot food takeaways. This showed that the public had clear objections to the proliferation of takeaways, due to their detrimental effects both on the local environment and on health.</p>	<p>facility or park. Planners justified this as being part of “an effort to provide a holistic approach to tackling concerns over community health and childhood obesity”.</p> <p>In order to protect the retail function of towns, the SPD tackles the issues of over concentration and clustering.</p> <p>It was noted that planners had to work hard to convince the Council’s legal team that the policy was worth pursuing. Their experience (and subsequent decisions by the planning inspectorate in other areas) makes it clear that including a health inequalities policy in core strategies or local development plans can significantly aid the adoption of an SPD.</p> <p>NOTE: The Adopted Development Management Policies Local Plan now includes a 'Health and Wellbeing' Policy.</p>	<p>takeaway uses within the defined distance of a school, youth facility or park have been refused. The remaining proportion have been approved under exceptional circumstances or allowed through planning appeals to the Planning Inspectorate</p>

Policy and Supplementary Planning Document Review

- 3.8.3 This research project identified 28 planning authorities across England that have introduced a restriction on the introduction of new take away outlets (Use Class order England, Class A5) within a certain proximity of sensitive uses such as schools (primary and secondary) and in six cases this extends to other youth facilities and parks (Gateshead Metropolitan Borough Council, Halton Borough Council, Bradford Metropolitan Borough Council, Dudley Metropolitan Borough Council, London Borough of Waltham Forest, London Borough of Hammersmith and Fulham).
- 3.8.4 An exclusion zone of 400m has been established through a number of Planning Authorities and this exclusion zone can be noted as a reason for refusal of a proposed hot food takeaway use within that area. The use of a 400m buffer is considered to be a reasonable walking distance (approximately 5 minutes walking distance or noted as 10 minutes walking distance in some areas) from schools within which to control environments to the benefit of children.
- 3.8.5 In some Council areas Hot Food Takeaways are supported within the defined 400m exclusion zone around sensitive uses where a planning condition is stipulated which restricts opening times, not allowing lunch-time opening or evening opening before 6pm.
- 3.8.6 The clustering and density of hot food takeaways is also controlled but that control tends to be in order to retain the viability of retail centres and protect against a concentration of such uses resulting in antisocial behaviour (e.g. loitering and littering). However, Barnsley Metropolitan Borough Council, London Borough of Barking and Dagenham, London Borough of Hammersmith and Fulham, London Borough of Lewisham, Manchester City Council have noted that they are seeking to control the clustering and density of hot food takeaway uses on health grounds and to ensure the provision of a choice of fresh food types for local communities.
- 3.8.7 Gateshead Metropolitan Borough Council are seeking to control the over proliferation of hot food takeaways by keeping area numbers below the national average. At the time of writing the SPD, the Council reported England having an average of 0.86 hot food takeaways per thousand people and Gateshead having 1.03 hot food takeaways per thousand people.
- 3.8.8 Table 3 identifies policies and guidance from across local planning authorities in England which seek to control the food environment or more specifically seek to control the introduction of fast food takeaway uses near to sensitive premises.

Table 4: Policy and Supplementary Planning Document Review

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
Barnsley Metropolitan Borough Council	Supplementary Planning Document Hot Food Takeaways	Adopted March 2012	Permission for Class A5 not granted within 400m of: primary or secondary school or Advanced Learning Centre.	Designated Centres	No more than two A5 units located adjacent to each other; and no less than two non-A5 units between groups of hot food takeaways. Reasoning includes reference to this leading to a restriction of different types of food on offer , an impact on the vitality and viability of shopping areas, breaking up of continuity of retail frontage and limited choice and access to fresh food for local communities .
Bolton Metropolitan Borough	Supplementary Planning Document Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas	Adopted September 2013	Within 400 metres of a secondary school, the Council may refuse on the grounds that it would be harmful to public health. If proposed opening hours do not include lunch-time opening or evening opening before	None	An unacceptable proliferation of A5 uses shall be considered to occur where, as a result of a new proposal, there would be more than two existing, or approved, A5 uses within a 50 metre radius of the application site. [Need to restrict density and clustering not referenced in relation to health impacts]

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
			6pm, then planning permission may be granted.		
Bradford Metropolitan District Council	Supplementary Planning Document Hot Food Takeaways	Adopted November 2014	Hot food takeaways resisted where they are within: <ul style="list-style-type: none"> • 400m of boundary of existing primary or secondary school or youth centred facility (e.g. YMCA, after school clubs). • 400m of a Recreation Ground or Park boundary. 	City centre, town centres, district centres and local centres	<p>Principle 1: Over Concentration</p> <p>When considering whether a proposed hot food takeaway would result in an over-concentration of such uses to the detriment of the vitality and viability of the city centre, town centre, district centre or local centre, or harm to residential amenity, regard will be had to:</p> <ul style="list-style-type: none"> • The number of existing hot food take away establishments in the immediate area and their proximity to each other; • The type and characteristics of other uses, such as housing, shops and public houses;- • The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community; • The potential benefits of the proposal for the wider community; and

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
					<ul style="list-style-type: none"> Any known unresolved amenity, traffic or safety issues arising from existing uses in the area. <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>
Central Lancashire	Supplementary Planning Document Access to Healthy Food	Adopted October 2012	Planning permission not given for A5 uses where proposals located within the 400m exclusion zones around primary, secondary, or special school and sixth form college.	Preston City Centre and Leyland and Chorley Town Centres.	<p>Outside of exclusion zones and the defined City and Town Centre boundaries, planning permission will be granted for a hot food takeaway (A5 use) provided that they are located within a defined district or local centre and would not result in an over concentration of hot food takeaways to the detriment of the retail function of the centre as a whole.</p> <p><i>[Need to restrict density and clustering no referenced in relation to health impacts]</i></p>
Dudley Metropolitan Borough Council	Planning for Health Supplementary Planning	Adopted September 2013	Hot food takeaway shops will be resisted where the proposal will fall within 400m of the boundary of	Designated centres defined by the Core Strategy	Planning permission for hot food takeaways will only be granted where no more than 5% of the units will consist of A5 uses.

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
	Document		an existing school, or other youth centred facility (e.g. after school clubs, youth centres).		<i>[Need to restrict density and clustering not referenced in relation to health impacts]</i>
Gateshead Metropolitan Borough Council	Supplementary Planning Document 2015 Hot Food Takeaway	Adopted June 2015	<p>No approval of A5 uses:</p> <p><u>Locations where children and young people congregate</u> within 400m radius of entry points to secondary schools, youth centres, leisure centres and parks.</p> <p><u>Locations where there are high levels of obesity</u> where more than 10% of year 6 pupils are classified obese.</p>	N/A	<p>No approval of A5 uses:</p> <p><u>Over proliferation</u> Number of A5 uses within the ward, equals/ exceeds UK national average, per 1000 population.</p> <p><u>Clustering</u> Where it would result in a clustering of A5 uses i.e. no more than two consecutive A5 uses in any one length of frontage. Where A5 uses already exist in any one length of frontage, a gap of at least two non A5 use shall be required before a further A5 use will be permitted in the same.</p>

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
Halton Borough Council	Supplementary Planning Document Hot Food Takeaways	Adopted March 2012	Approval for A5 only when: <ul style="list-style-type: none"> • Beyond a 400m exclusion zone around any primary or secondary school and sixth form college • Beyond a 400m exclusion zone around playing fields and children's play-spaces 	Defined Town, District and Local and Neighbourhood centres	<p>Planning permission for a hot food takeaway (Use Class A5) should not result in:</p> <ul style="list-style-type: none"> • More than one unit or 5% of the total ground floor units within a defined primary frontage being hot food takeaways; • More than two units in a secondary shop frontage more than two A5 units being located adjacent to each other; and • any less than two non-A5 units between individual or groups of hot food takeaways. <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>
Leeds City Council	Supplementary Planning Document Hot Food Takeaway	DRAFT July 2017	Hot food takeaways not permitted within 400 metres of a secondary school main school building.	Except within the boundaries of designated centres	Planning permission not be granted where clustering would have a detrimental impact on the amenity of existing and future occupants of the adjacent and connected properties.

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
					<i>[Need to restrict density and clustering not referenced in relation to health impacts]</i>
London Barking and Dagenham	Supplementary Planning Document Saturation Point – Addressing the health impacts of hot food takeaways	Adopted July 2010	<p>Planning permission for new hot food takeaways (Use Class A5) will not be granted in the hot food takeaway exclusion zone. This is where proposals:</p> <ul style="list-style-type: none"> • Fall within 400m of the boundary of a primary or secondary school; and • The hot food takeaway exclusion zone is detailed in Figure 1 of the SPD. 	It is within Barking Town Centre, or Dagenham Heathway, Chadwell Heath and Green Lane District Centres or one of the Neighbourhood Centres	<p>Planning permission will only be granted for a hot food takeaway outside of the hot food takeaway exclusion zone provided that:</p> <ul style="list-style-type: none"> • It is within Barking Town Centre, or Dagenham Heathway, Chadwell Heath and Green Lane District Centres or one of the Neighbourhood Centres • It will lead to: <ul style="list-style-type: none"> ○ No more than 5% of the units within the centre or frontage being hot food takeaways; ○ No more than two A5 units being located adjacent to each other; and ○ There being no less than two-non A5 units between a group of hot food takeaways. <p><u>Reasoning</u> includes reference to limited</p>

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
					choice and access to fresh, nutritious food and impact on the vitality and viability of shopping areas.
London Borough of Hackney	Development Management Local Plan	Adopted July 2013	Seek to manage access to establishments providing unhealthy food, in particular cooked food, such as restricting proposals for new hot food takeaways from locating within 400 metres of secondary schools, and working with businesses and developers to promote healthier lifestyles through design and types of use within development.	Designated 'shopping centres'	General statement on noting the proliferation of fast food should be managed but no specific policy or guidance on this.
London Borough of Hammersmith and Fulham	Supplementary Planning Document – Hot Food Takeaways	Adopted June 2012	Proposals for new hot food takeaways (class A5 use) outside of the town centres will only be permitted where they are	Town centre	No more than two A5 units would be located adjacent to each other. To ensure the local retail food offer is not dominated by hot food takeaways. Health is noted as a reason for this.

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
			located more than 400 metres away from secondary schools, local parks or youth facilities.		
London Borough of Lewisham	Development Management Local Plan	Adopted November 2014	The Council will not grant planning permission for new hot food take-away shops that fall within 400 metres of the boundary of a primary or secondary school (the exclusion zone).	N/A	<p>Hot food takeaways will only be considered where:</p> <ul style="list-style-type: none"> • the percentage of hot food take-away shops in Major and District Centres does not exceed 5% and in Local Centres does not exceed 10%; • the number of hot food take-away shops in Local Parades of nineteen units or less does not exceed one hot food take-away shop; and • the number of hot food take-away shops in Local Parades of twenty or more units does not exceed two hot food take-away shops. <p>Obesity prevalence and health are noted within the policy justification.</p>
London Borough of Newham	Newham 2027 Newham's Local Plan -	Adopted January 2012		N/A	General statement on noting the proliferation of fast food should be managed but no specific policy or

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
	The Core Strategy				guidance on this.
	Food Outlet Mapping in the London Borough of Newham July 2010	N/A	School children's access to hot food takeaways - seek to restrict new takeaways opening in the vicinity of secondary schools, and consider existing takeaway clusters in scoping sites suitable for new schools.	N/A	N/A
London Borough of Tower Hamlets	Managing Development Document	Adopted	Where A5 uses are supported in town centres the proximity of an existing (or proposed) school and/or local authority leisure centre will be taken into consideration.	In recognising the distinct roles and functions of Canary Wharf and Brick Lane town centres: a) A3, A4 and A5 uses in Canary Wharf major centre will be considered on the merits of individual	To further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that: a) they do not result in an overconcentration of such uses; and b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
				<p>applications; and</p> <p>b) A3, A4 and A5 uses in Brick Lane district centre will be supported where they do not exceed 25% of the total number of units.</p>	<p>Furthermore, where A5 uses are supported in town centres:</p> <p>a) in district centres, the total percentage of A5 uses must not exceed 5% of the total number of units; and</p> <p>b) the proximity of an existing (or proposed) school and/or local authority leisure centre will be taken into consideration.</p>
London Borough of Waltham Forest	Supplementary Planning Document - Hot Food Takeaway	Adopted March 2009	<p>Hot food takeaways resisted where they:</p> <ul style="list-style-type: none"> • Fall within 400m of the boundary of an existing school or youth centred facility (e.g. YMCA, after school clubs). • Fall within 400m of a park boundary. 	Designated town centres and local parade locations	<p>Hot food takeaways will only be considered where:</p> <ul style="list-style-type: none"> • No more than two A5 units should be located adjacent to each other; and • Between individual or groups of hot food takeaways, there should be at least two non A5 units. <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>
London	Supplementary	Adopted	Applications for hot food	N/A	N/A

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
Borough of Wandsworth	Planning Document - Town Centre Uses	March 2015	takeaways will be permitted where they are proposed within a zone that has less than 4 A5 units within 400m of a school taking account of extant permissions.		
Manchester City Council	Supplementary Planning Document - Hot Food Takeaway	Adopted March 2017	Where a hot food take away is proposed within 400 metres of a primary or secondary school planning permission will only be permitted subject to restricted opening hours.	District centre	Planning permission not be granted where clustering would have a detrimental impact on the vitality and viability of a centre and would affect the balance between the day time and night time economy and the health of the population.
Medway Council	Guidance Note - Hot Food Takeaways in Medway	July 2014	<ul style="list-style-type: none"> • No operation between the hours of 12:00 – 14:00 if located within 400 metres of a secondary school. • No operation between the hours of 15:00 – 	Town centres, or neighbourhood and local centres.	N/A

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
			17:00 within 400m of a primary or secondary school.		
Newcastle City Council	Supplementary Planning Document – Hot Food Takeaway	October 2016	Hot food takeaways which are located outside of a centre in the retail hierarchy will not be permitted within a designated school exclusion zone (school exclusion zones are identified in Appendix 5).	Centres within retail Hierarchy	<p>To prevent the clustering of hot food takeaway units planning permission will only be granted for this use where the following criteria are satisfied:</p> <ul style="list-style-type: none"> • That no more than two consecutive hot food takeaways should be located adjacent to each other; and • Between an individual or multiple, adjacent hot food takeaways, there should be at least two non-hot food takeaway shop units. <p><i>[Need to restrict density/ clustering not referenced in relation to health impacts]</i></p>
North Tyneside	North Tyneside Local Plan	Adopted July 2017	To promote healthier communities, the Council will: c. Prevent the development of A5 use	N/A	<p>Proposals for A5 hot food take-aways will be permitted unless:</p> <ol style="list-style-type: none"> a. It would result in a clustering of A5 uses to the detriment of the character, function, vitality and

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
			<p>within a 400m radius of entry points to all middle and secondary schools, as shown on the Policies Map.</p> <p>d. Prevent the development of A5 use in wards where there is more than 15% of the year 6 pupils or 10% of reception pupils classified as very overweight*.</p> <p>e. Assess on an individual basis, the impact hot food take-aways have on the well-being of residents.</p>		<p>viability of the defined centres or it would have an adverse impact on the standard of amenity for existing and future occupants of adjacent land and buildings.</p> <p>b. There are two or more consecutive A5 uses in any one length of frontage. Where A5 uses already exist in any length of frontage, a gap of at least two non A5 use shall be required before a further A5 use will be permitted in the same length of frontage.</p> <p><i>[Need to restrict density/ clustering not referenced in relation to health impacts]</i></p>
<p>Rochdale Borough Council</p>	<p>Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning</p>	<p>Adopted April 2015 Updated February 2017</p>	<p>A 400m restriction buffer is considered to be a reasonable distance given that it broadly represents a 10 minute walk, taking into account</p>	<p>Town, district and local centres.</p>	<p>Applications for hot food takeaway uses shall not normally result in:</p> <p>i. More than 5% of the total ground floor units within a defined Primary Shopping Area being hot food</p>

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
	Document		physical barriers on any route. The buffer will be measured from the boundary of the grounds of each school.		<p>takeaways;</p> <ul style="list-style-type: none"> ii. More than 10% of the total ground floor units within a defined Secondary or Central Shopping Area being hot food takeaways; iii. More than 20% of the total ground floor units within an area of a defined centre, outside the above areas, being hot food takeaways; iv. More than two hot food takeaways being located adjacent to each other; and v. Any fewer than two non-A5 units between hot food takeaways. <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
Salford City Council	Supplementary Planning Document Hot Food Takeaways	Adopted January 2014	Where a hot food takeaway is proposed within 400 metres of a secondary school, planning permission will only be granted subject to a condition that the premises are not open to the public before 5pm Monday to Friday and there are no over the counter sales before that time.	This policy will not apply to hot food takeaways proposed in: A) A designated local centre, town centre or the Manchester/Salford City Centre; or B) Locations that would be unlikely to be accessed by pupils of a nearby school.	Regard will be had to: 1. the number of existing hot food take away establishments in the immediate area and their proximity to each other; 2. the importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community; 3. the type and characteristics of other uses, such as housing, shops and public houses; 4. any known unresolved amenity, traffic or safety issues arising from existing uses in the area; 5. the existence and condition of vacant shop units; and 6. the potential benefits of the proposal for the wider community. <i>[Need to restrict density and clustering not referenced in relation to health impacts]</i>
Sandwell Metropolitan Borough	Supplementary Planning Document Hot	Adopted July 2016	No new Hot Food Takeaway (HFT) Developments will be	Local, District or Strategic centres.	<ul style="list-style-type: none"> In centres with 40 units* or more – there should be no more than 7% of frontages occupied by Hot Food

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
Council	Food Takeaway		permitted where they are within 400 metres of a secondary school or college site (as measured in a direct line from the school entrance(s) used by pupils/students.		<p>Takeaways;</p> <ul style="list-style-type: none"> • In centres with less than 40 units* – there should be no more than 12% of the frontages occupied by Hot Food Takeaways; and • A limit of two adjacent outlets together is the maximum appropriate. <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>
Sefton Metropolitan Borough Council	Supplementary Planning Document Control of Hot Food Takeaways and Betting Shops	Adopted September 2017	Hot food takeaways within 400 metres of secondary schools and further education establishments will not be permitted except where premises are not open until after 1700.	Designated town, district or local centre	N/A
St Helens Council	Supplementary Planning Document - Hot Food Takeaways	Adopted June 2011	Beyond a 400m exclusion zone around any primary or secondary school and sixth form college either within or	Defined town centres of St.Helens or Earlestown	N/A

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
			outside Local Education Authority control.		
Stoke on Trent City Council / Newcastle Under Lyme Borough Council	Supplementary Planning Document Hot Food Takeaway	Draft May 2013	<p>Planning permission will not be granted for new hot food takeaway premises within School Exclusion Zones, i.e. within 400m of all secondary schools.</p> <p>The 400m distance will be measured from the school's main entrance.</p>	N/A	<p>Appropriate concentrations of hot food takeaways will be based on the following:</p> <ul style="list-style-type: none"> • Within primary frontages in the City Centre and town centres, no more than 10% of the frontage will be in A5 use; • Within secondary frontages in the City Centre and town centres, no more than 20% of the frontage will be in A5 use; • Elsewhere within the City Centre and town centres, there are no restrictions subject to other policies; • Within Local Centres or Neighbourhood Centres, no more than 20% of the frontage will be in A5 use; and • Outside the defined centres, there will be a general presumption against new hot food takeaways. <p>Planning permission will be granted for hot food takeaways in appropriate locations, provided this would not result in:</p>

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
					<ul style="list-style-type: none"> • No more than 2 hot food takeaway's being located adjacent each other; and • At least 2 non-hot food takeaway units between a group of hot food takeaway units. <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>
Warrington Borough Council	Supplementary Planning Document Hot Food Takeaway	Adopted April 2014	Where a hot food take away is proposed within 400 metres of a secondary school, planning permission will only be granted subject to a condition that the premises are not open to the public before 17:00 on week days and there are no over the counter sales before that time.	The only exception to this approach will be where the proposal is within a designated centre and can demonstrate that the introduction of such a use will positively contribute to the vitality and viability of that centre.	<p>Specific regard will be had to:</p> <ol style="list-style-type: none"> 1. the importance of the number, function and location of shops and other services that would remain to serve the local community; 2. the existence of vacant shop units and the general health of the centre; and 3. the potential benefits of the proposal for the wider community. <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>

Planning Authority	Document	Status	Proximity to Schools and other Sensitive Uses	Areas Exempt	Clustering and Density etc
Worcester City Council	Supplementary Planning Document Hot Food Outlets	Adopted July 2011	When applications for Takeaway Food Outlets within close proximity of schools, colleges and community centres (400m) are received, the relevant organisations should be consulted.	N/A	<p>Applications will be required to provide evidence of a units previous marketing before a Takeaway Food Outlet on a primary, secondary and heritage street or in a restricted uses area is considered. The proposal must be compliant with the Local plan policies (Appendix 4) with regards to the proportion of units within a geographical area.</p> <p><i>[Need to restrict density and clustering not referenced in relation to health impacts]</i></p>

3.9 CONTROL OF THE FOOD ENVIRONMENT OUTSIDE OF THE PLANNING SYSTEM

3.9.1 As evidenced throughout this Section, the planning system has been identified as a means by which the food environment can be controlled and managed and this works alongside other measures being introduced to tackle the issue of obesity. The following are examples of measures in place or being considered to tackle obesity. It is not a comprehensive list but a snapshot of those alternative measures.

SPICe Briefing - How can we reduce obesity in Scotland? Edinburgh: Scottish Parliament

3.9.2 The briefing looks at reducing obesity in Scotland, compares the policy recommendations made by several organisations and explores 25 policy areas in more detail. Some of the key observations of the briefing relative to this research paper are noted below.

Example Voluntary Approaches:

- Public Health England (PHE) published sugar reduction guidelines in March 2017, to encourage manufacturers to reduce sugar by 20% by 2020 in 9 product groups. PHE set an interim target for industry: a 5% reduction in sugar content by August 2017. A report on progress towards these targets is due in March 2018 (See below). This will be followed by calorie and fat reduction guidelines in late 2017 and early 2018 (Tedstone et al, 2017).
- Scottish food businesses have become involved with voluntary actions. For example, Food and Drink Federation (FDF) Scotland is a trade association, representing food and drink manufacturers in Scotland. FDF Scotland participates in the Supporting Healthy Choices Framework. It has produced guidance for Scottish small and medium-sized enterprises (SMEs) on reformulation, encouraged front-of-pack nutrition labelling and has set up a reformulation common interest group (Food and Drink Federation Scotland, 2017).

Example Government Regulation:

- The UK government introduced a levy on the soft drinks industry from 6th April 2018. The levy is applied to producers and importers of sugar-added soft drinks. The rate varies according to sugar content: a lower rate is applied to drinks with more than 5g in 100ml and a higher rate applied to drinks with more than 8g per 100ml (UK Government, 2016).
- Manufacturers and retailers — such as Lucozade, Ribena and Tesco — have announced plans to reduce the total sugar content of their products. The Chancellor of the Exchequer has reduced the forecast revenue from the levy, because of reformulation action taken by industry (Barber et al, 2017).

Overcoming obesity: An initial economic analysis. McKinsey Global Institute

- 3.9.3 The McKinsey Global Institute (Dobbs et al, 2014) identified potential policy interventions to reduce levels of obesity. It also estimated their impact and cost-effectiveness. The authors identified 74 possible interventions which were being either used or piloted somewhere in the world, for example by central governments, local governments, employers, schools, health-care systems or the food industry.
- 3.9.4 The McKinsey Global Institute assessed interventions in three ways: they estimated the number of 'Disability Adjusted Life Years'ii (DALYs) saved, cost-effectiveness and the strength of the evidence. When ranked by DALYs saved, their top 10 interventions were:
1. Reducing portion sizes
 2. Reformulation
 3. Reducing the availability of high calorie food and drink.
 4. Weight management programmes
 5. Parental education
 6. School curriculum
 7. Providing healthy meals
 8. Surgery
 9. Labelling
 10. Restricting price promotions
- 3.9.5 With regard to high-calorie food and drink availability the following interventions were noted: Reducing the ready availability of high-calorie foods to help control impulse consumption, including removing vending machines from schools and workplaces, high-calorie foods from supermarket checkouts, and fast-food retailers from locations outside schools.
- 3.9.6 They found that most of the interventions they assessed were either 'highly cost-effective' or 'cost-effective'. They also found that no single intervention could reverse obesity levels. Around 18 interventions were necessary to reduce the number of overweight or obese people by 10%. Around 40 interventions were necessary to reduce the number of overweight or obese people by 20%.
- 3.9.7 They therefore recommend taking a broad approach to tackling obesity and implementing as many interventions as possible:

“No single solution creates sufficient impact to reverse obesity: only a comprehensive, systemic program of multiple interventions is likely to be effective. Our analysis suggests that any single intervention is likely to have only a small impact at the aggregate level. If the United Kingdom were to deploy all the interventions that we have been able to size at reasonable scale, the

research finds that it could reverse rising obesity and bring about 20 percent of overweight and obese individuals—or roughly the population of Austria—back into the normal weight category within five to ten years (Exhibit E2). This would have an estimated economic benefit of around \$25 billion a year, including a saving of about \$1.2 billion a year for the UK NHS.”

Sugar reduction and wider reformation programme: report on progress towards the first 5% reduction and next steps. Public Health England 2018

- 3.9.8 Within the Government publication ‘Childhood Obesity: A plan for action’ PHE were committed to overseeing a sugar reduction programme. This programme challenged all sectors of the food industry to reduce by 20% by 2020 the level of sugar in the categories that contribute most to the intakes of children up to 18 years. In addition to this, they were to achieve a 5% reduction in the first year of the programme.
- 3.9.9 In May 2018, PHE published a report assessing progress against the guidelines set. The report compares the data for the year ending August/September 2017, compared to the baseline year of 2015 and looks at the impact of the soft drinks industry levy during the same period.
- 3.9.10 The headline findings were that:
- There have been reductions in sugar levels in 5 out of the 8 food categories where progress has been measured;
 - For retailers own brand and manufacturer branded products there has been a 2% reduction in total sugar per 100g;
 - There have been reductions in the calorie content of products likely to be consumed in a single occasion in 4 out of the 6 categories where calorie reduction guidelines were set and where progress has been measured;
 - For retailers own brand and manufacturer branded products there has been a 2% reduction in calories in products likely to be consumed in a single occasion;
 - For retailers own brand and manufacturer branded products for the drinks included in the SDIL there has been an 11% reduction in sugar levels per 100ml. The calorie content of SDIL drinks likely to be consumed on a single occasion also fell by 6%. There was, in addition, a shift in volume sales towards products with levels of sugar below 5g per 100g (these are not subject to the levy); and
 - For out of home, the average sugar content is generally the same and calories in products to be consumed in a single occasion are substantially larger, when compared to retailers own brand and manufacturer branded products.

4 Policy Analysis – Policy Effectiveness

4.1 INTRODUCTION

4.1.1 This section looks at the effectiveness of planning policies through a review of a number of planning application and appeal outcomes in England and Scotland.

4.2 APPLICATION AND APPEAL DECISIONS

4.2.1 The following review of planning outcomes provides an understanding of the application of policies in practice and their ability to withstand challenge. Due to the lack of interaction between the planning system in Scotland and the food environment, the majority of decisions discussed are English based.

Scotland

Table 5: Appeal, Staiside Court, Bonnyrigg, Midlothian Council

Case	<i>Midlothian Council Application for Planning Permission - 15/00737/DPP Appeal Decision Date – 23 May 2016 [DPEA Planning Appeal: Ref PPA-290-2035]</i>
Background	The application was for the formation of a hot food takeaway within the recently erected commercial units at Staiside Court, Bonnyrigg.
Planning Authority	<p>Committee Report</p> <p>The Officer recommendation was to grant planning permission subject to conditions. The committee report (para 8.8) which accompanied the recommendation noted the following with regard to representation made on the grounds of the proximity of the proposed hot food takeaway to the Lasswade High School:</p> <p><i>“With regard to the representor’s comments about the potential customers of the hot food takeaway being from the nearby school, this is not a material planning consideration. Therefore it would not be reasonable to restrict the hours of operation outwith the school lunchtime.”</i></p> <p>Planning Committee Decision</p> <p>The Planning Application however was refused at Planning Committee. Section 5 (Page 4-292) of the Committee Meeting Minute States:</p> <p><i>“The Committee, having heard from the Planning Manager, discussed the potential impact of the proposed development</i></p>

	<p><i>and whether the proposals complied with development plan policies or if there were material planning considerations that indicated otherwise. It was noted that the representations and consultation responses received were material considerations. The loss of a unit for the approved Class uses and the impact on neighbouring properties, in particular the Lasswade High School where the Council operated a policy promoting healthy life styles and healthy eating, were also discussed.”</i></p> <p>Reason for Refusal</p> <p>The decision notice included the following as the third reason for refusal:</p> <p><i>“The proposed development’s location in close proximity to the Lasswade High School is contrary to the Council’s Corporate objectives of promoting healthy life styles and healthy eating at its schools. This is a significant material consideration which outweighs any planning argument to support the proposed development.”</i></p>
<p>Appeal Reporter</p>	<p>Planning Appeal: Ref PPA-290-2035</p> <p>The Appeal against the decision by Midlothian Council was allowed however and planning permission was granted subject to six conditions.</p> <p>Reasoning</p> <p>With respect to reason for refusal number 3, paragraph 8 of the Appeal Decision Notice states:</p> <p><i>“Turning to the last reason for refusal, the proximity of the Lasswade High School and the impact of a hot food takeaway on the implementation of the Council’s corporate objectives for healthy eating, the key issue is whether this is an appropriate material consideration. The promotion of healthy eating habits, particularly amongst the young, as part of a programme to tackle obesity and generally improve health, is government policy. I accept that it also forms one of the Council’s corporate objectives. A material consideration as defined in planning regulations must however relate to the site and the specific impact of the development on planning related matters. In terms of the policies of the development plan there is no clearly established relationship between healthy eating and the location of hot food takeaways. In the absence of such criteria I cannot give weight to it as a material planning consideration. Similarly, in the absence of such criteria a restriction of opening hours to prevent use by lunchtime school students would not be reasonable under the</i></p>

	<i>requirements of Circular 4/1998 The Use of Conditions in Planning Permissions.”</i>
Discussion	<p>The Reporter notes that although promotion of healthy eating habits, particularly amongst the young, as part of a programme to tackle obesity and generally improve health, is government policy and forms one of the Council’s corporate objectives, it is not a robust material consideration in planning terms. The Reporter further notes that a material consideration in planning terms, as defined by regulation, must relate to the site and the specific impact of the development on planning related matters.</p> <p>The Reporter concludes that there is no clearly established relationship between healthy eating and the location of hot food takeaways as such weight was not given to the Council’s refusal of the application and similarly a condition restricting hours of opening would not meet the test of reasonableness of Circular 4/1998 The Use of Conditions in Planning Permissions.</p>

Table 6: Appeal, Glasgow City Council

Case	<i>Glasgow City Council Application for Planning Permission – 16/03111/DC Application Decision Date – 30 January 2017</i>
Background	The application was for the erection of a restaurant with drive through facility and petrol filling station shop (24 hours) with associated works and car parking.
Planning Authority	<p>Committee Report</p> <p>The Officer recommendation was to grant planning permission subject to conditions. 16 representations were received and the officer acknowledged them individually. Those of note to this research project are as follows:</p> <p>Representation: <i>Opposed to a McDonalds drive through and there is an overprovision of hot food takeaways in the area.</i></p> <p>Comment from Officer: <i>The proposed occupier of the development is not a material planning consideration, as the application is for a restaurant and a shop. Planning legislation does not permit the planning authority to restrict the type of operator except within use classes, as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997. The over provision of hot food takeaways in an area is not a material planning consideration, unless there is a clustering of such uses. As addressed above, the proposal would not result in a clustering of hot food takeaways.</i></p>

	<p>Representation: <i>The proposal for a drive through restaurant is located close to both the Toryglen football facility and local schools, raising concerns regarding health and fitness of pupils.</i></p> <p>Comment from Officer: <i>Health and fitness are not material planning considerations.</i></p> <p>Planning Committee Decision The Planning Application was approved at Committee. No further information on the discussions held noted within the Committee Meeting Minute.</p>
<p>Discussion</p>	<p>This case confirms that a public misconception exists that certain restaurants are Hot Food Takeaways in planning terms i.e. they ought to be considered Sui Generis under the Use Class Order and that such restrictions should apply. The officer clarifies however that the proposed development constitutes a Restaurant (Class 3) and not a hot food takeaway. As such, the restriction on clustering or other hot food takeaway considerations would not apply, even if they were relevant to the merits of the proposed development.</p> <p>It should be noted that although the proposed development would likely contain a take away element this would be ancillary to the main use of the facility as a restaurant (Class 3). The typical hot food takeaway planning restrictions would therefore not apply to the development proposed. Indeed the introduction of additional planning measures relevant to the control of the food environment specific to hot food take away facilities (sui generis) would not impact upon such facilities which are considered restaurants in the use class order (Class 3).</p> <p>The pertinent issue of whether health is a material consideration is also referred to in the officer's decision. The officer notes that health and fitness are not a material consideration in the determination of the application. As detail is not provided it is assumed that this consideration is based on the absence of local planning policy or guidance to that effect.</p>

England

Table 7: Appeal, North Tyneside 1

Case	North Tyneside Metropolitan Borough Council Application for Planning Permission – 17/00898/FUL <i>Appeal Decision Date – 7 February 2018</i> <i>[Planning Inspectorate- APP/W4515/W/17/3184901]</i>
Background	The application was for the change of use of a property from retail (Use Class A1) to takeaway (Use Class A5).
Planning Authority	<p>Officer Recommendation</p> <p>The Planning Application was refused by Delegated Decision.</p> <p>Reason for Refusal</p> <p>The reason for refusal as noted in the Decision Notice is:</p> <p><i>“The proposed use does not meet the criteria of Policy DM3.7 of the Local Plan (2017). The unit is located in a ward where more than 15% of year 6 pupils are classified as very overweight and more than 10% of reception year pupils are classified as very overweight. As such the proposed use would cause significant harm to the health of residents in the area and is contrary to Policy DM3.7 of the Local Plan (2017) and NPPF.”</i></p> <p>The refusal was based on the following policy which is included within the North Tyneside Local Plan, adopted July 2017:</p> <div style="border: 1px solid black; padding: 5px;"> <p>DM3.7 Hot Food Take-aways</p> <p>Proposals for A5 hot food take-aways will be permitted unless:</p> <ol style="list-style-type: none"> a) It would result in a clustering of A5 uses to the detriment of the character, function, vitality and viability of the defined centres or it would have an adverse impact on the standard of amenity for existing and future occupants of adjacent land and buildings. b) There are two or more consecutive A5 uses in any one length of frontage. Where A5 uses already exist in any length of frontage, a gap of at least two non A5 use shall be required before a further A5 use will be permitted in the same length of frontage. <p>To promote healthier communities, the Council will:</p> <ol style="list-style-type: none"> c) Prevent the development of A5 use within a 400m radius </div>

	<p>of entry points to all middle and secondary schools, as shown on the Policies Map.</p> <p>d) Prevent the development of A5 use in wards where there is more than 15% of the year 6 pupils or 10% of reception pupils classified as very overweight*.</p> <p>e) Assess on an individual basis, the impact hot food take-aways have on the well-being of residents.</p> <p>* Data available within the 'Public Health Evidence for control of Hot Food Takeaways': http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=563031</p> <p>Policy DM3.7 Hot Food Take-aways was supported (following modifications) by the Planning Inspector's Report in May 2017 noting the policy as "measured policy response given the severity of the health issue".</p>
<p>Appeal Inspector</p>	<p><i>Planning Appeal: APP/W4515/W/17/3184901</i></p> <p>An appeal was lodged against the decision by North Tyneside Council and subsequently dismissed.</p> <p><i>Summary Appellant Comment</i></p> <ol style="list-style-type: none"> 1. The Appellant emphasised that the proposal would sell healthy food as demonstrated by the operation of her business elsewhere. The appellant also states that the target customer base is not school children, as reflected in the location of the property and the intended pricing of food. The Appellant suggested that planning permission be granted subject to a personal condition to ensure that no unhealthy takeaway use could open in the future. 2. The Appellant made reference to a planning permission granted by the London Borough of Barking and Dagenham where a personal condition was used in relation to a business selling healthy food. 3. The Appellant made reference to Gateshead Council which requires the submission of a 'health impact assessment' so that applicants can demonstrate that a proposal would not have a negative impact. 4. The appellant states that a precedent has been set for a hot food takeaway in this location as there are nearby businesses such as Greggs and an Eat@ which serve hot food.

	<p>Inspector Response to Appellant Comment</p> <ol style="list-style-type: none"> 1. Notwithstanding the intentions of the appellant to sell healthy food, there is no guarantee that this business model would continue into the future. Whilst the appellant contends that a change to the business model would be unrealistic, it is not an unreasonable prospect that pressures on the business could lead to a change in the nature of the food sold despite the current best intentions of the appellant. Furthermore, a personal condition would not control the nature of the food sold and I note that the appellant does not ask for the menu to be controlled by the planning system, even if this were possible. 2. Consideration of that planning permission does not lead me to a different conclusion on the appropriateness of a personal condition in relation to the appeal before me. 3. Whilst North Tyneside Council do not require this evidence, I am not persuaded that the conclusions of such an assessment on the matter of healthy food could be enforced through the use of a personal condition for the reasons stated above. 4. On the basis of the evidence before me, these units have planning permission for A1 or A3 uses and are therefore materially different from the current proposal which I have determined on its own merits. <p>Inspector’s Overall Reasoning</p> <p><i>“The proposal would lead to the development of an A5 HFT in a ward which exceeds the thresholds of Policy DM3.7(d) of the LP. I have had regard to the individual circumstances of the proposal as emphasised by the appellant in respect of Policy DM3.7(e), but I do not consider that these circumstances can be ensured by an appropriate condition and therefore they do not outweigh the clear conflict with Policy DM3.7(d). I therefore conclude that the proposal would be contrary to Policy DM3.7 of the LP which seeks to promote healthier communities, and the policies of the Framework in respect of health and well-being.”</i></p>
<p>Discussion</p>	<p>The Inspector dismissed the appeal on the basis that the proposed development was contrary to North Tyneside Metropolitan Borough Council’s policy DM3.7 on Hot Food Take-aways which seeks to promote healthier communities, and the policies of the Framework in respect of health and well-being.</p>

	<p>It should be noted that, through the Local Plan Examination process, the policy was considered a measured policy response given the severity of the health issues within the Council area. The evidence base for the policy included a report which set out the severity of the health issue (North Tyneside Council, Public Health Evidence in relation to the use of the planning system to control Hot Food Takeaways, November 2015).</p>
--	--

Table 8: Appeal, North Tyneside 2

Case	<p>North Tyneside Metropolitan Borough Council Application for Planning Permission – 17/00179/FUL Appeal Decision Date – 26 September 2017 [Planning Inspectorate- APP/W4515/W/17/3178059]</p>
Background	<p>The application was for the change of use from retail (Use Class A1) to takeaway (Use Class A5).</p>
Planning Authority	<p>Officer Recommendation The Planning Application was refused by Delegated Decision.</p> <p>Reason for Refusal The reason for refusal as noted in the Decision Notice is:</p> <p><i>“The proposed use does not meet the criteria of emerging Policy DM3.7 of the Local Plan Pre-Submission Draft as submitted with main modifications. The proposal would result in two consecutive A5 uses in the length of shopping frontage and is also located in a ward where more than 15% of the year 6 pupils are very obese. As such the proposed use would cause significant harm to the health of residents in the area and is contrary to emerging Policy DM3.7 of the Local Plan Pre Submission Draft and NPPF.”</i></p> <p>The Recommendation Report noted:</p> <p><i>“North Tyneside Council has also produced the following document, ‘Public Health Evidence in relation to the use of the planning system to control Hot Food Takeaways (November 2015)’. This document has not been formerly adopted by the Council as an SPD. Although it is publicly accessible and it provides the evidence base upon which Public Health base their objection. This document advises that an important contributing factor to poor diet and health in certain parts of North Tyneside is the distribution and access to unhealthy eating outlets. The hot food takeaway policies have been implemented in order to help control the proliferation of and therefore access to, such uses. This document has carried out</i></p>

	<p><i>an analysis of the concentration of the 197 hot food takeaways in North Tyneside by ward, including the rate per 100,000 of population has been undertaken to facilitate a comparison with the national average rate of 86/100, 000. There are eight wards where the concentration of hot food takeaways exceeds the national average, including Wallsend. This ward would not be considered favourably for an A5 use class.”</i></p>
<p>Appeal Inspector</p>	<p>The Appeal against the decision by North Tyneside Council was dismissed.</p> <p>Reasoning The Appeal Decision notes that:</p> <p><i>The proposal would further extend the reach and availability of such foods and add to an existing proliferation of A5 HFTA uses within the High Street East frontage. It would do so in a ward where over 15% of Year 6 children are classed as very overweight. The proposal would therefore fail to promote healthier communities and be in conflict with the health and wellbeing, health protection and healthy community aims of the Framework and LP policy DM3.7.</i></p>
<p>Discussion</p>	<p>The Inspector dismissed the appeal on the basis that the proposed development was contrary to North Tyneside Metropolitan Borough Council’s policy DM3.7 on Hot Food Take-aways which seeks to promote healthier communities, and the policies of the Framework in respect of health and well-being.</p> <p>It should be noted that, through the Local Plan Examination process, the policy was considered a measured policy response given the severity of the health issues within the Council area. The evidence base for the policy included a report which set out the severity of the health issue (North Tyneside Council, Public Health Evidence in relation to the use of the planning system to control Hot Food Takeaways, November 2015).</p>

Table 9: Appeal, London Borough of Barking and Dagenham 1

Case	London Borough of Barking and Dagenham Application for Planning Permission – 13/00224/FUL Application Decision Date – 7 December 2015
Background	The application was for the continuance of use of shop as hot food takeaway (Class A5).
Planning Authority	<p>Officer Recommendation Officers recommended the application for refusal on the grounds that the hot food take-away was contrary to the Council's Supplementary Planning Document (SPD): 'Saturation Point - Addressing the Health Impacts of Hot Food Takeaways' and would be likely to have a detrimental impact upon the health and well being of residents of the Borough.</p> <p>Development Control Board Members were persuaded that the food sold was of a healthy nature and not aimed at school children and therefore agreed to grant planning permission subject to the completion of an agreement under Section 106 of the Town and Country Planning Act in respect of a contribution of £1,000 to be used towards initiatives to tackle childhood obesity and the imposition of conditions.</p> <p>Reason for Approval The Minute of the Development Control Board Meeting noted: <i>“With regard to the principle of the use it is accepted that the current food offering is relatively healthy and is not aimed at school children. When Members considered the application previously they imposed a condition making the permission personal to the applicant to seek to ensure that the premises were not operated in a manner that offered a less healthy menu. Whilst there is no guarantee that the applicant will not offer less healthy options in the future it seems likely that he will maintain the current food offering since the use has been operating since September 2011.</i> <i>Permission was previously granted for a 5 year period until 31 May 2018 in order to review the health impacts of the development. The use has now been operating for over 4 years and it is considered that this is sufficient time to make a final decision on this matter. Accordingly a permanent permission is recommended.”</i></p>
Discussion	The planning committee sought to approve the application with strict controls around opening times noting a personalised consent to control to the type of food sold in

	<p>order to ensure healthy food options restricting the means of cooking to reheating by microwave only. The personalised nature of the consent sought to approve the takeaway use albeit restrict the type of food sold. It is unlikely however that this would be effective as the type of food sold could change without the facility being in breach of the relevant planning consent given the absence or limited planning control over the type of food prepared and sold.</p>
--	--

Table 10: Appeal, London Borough of Barking and Dagenham 2

Case	<p>London Borough of Barking and Dagenham Application for Planning Permission – 10/00210/FUL <i>Appeal Decision Date – 11 February 2011</i> <i>[Planning Inspectorate - APP/Z5060/A/10/2136264]</i></p>
Background	<p>The application was to change the use to A5, the erection of a new shop front and an extract duct to the rear.</p>
Planning Authority	<p><i>Officer Recommendation</i> The Planning Application was refused by Delegated Decision.</p> <p><i>Reason for Refusal</i> The second reason for refusal as noted in the Decision Notice is:</p> <p><i>2. The proposed use is sited within the hot food takeaway exclusion zone by virtue of being within 400 metres of a school and would have a detrimental impact upon the health and well being of residents of the Borough contrary to advice contained with the Draft Supplementary Document ‘Saturation Point – Addressing the health impacts of hot food takeaways’ which forms part of the Local Development Framework.</i></p>
Appeal Inspector	<p><i>Planning Appeal: APP/Z5060/A/10/2136264</i> The Appeal against the decision by London Borough of Barking and Dagenham Council was dismissed.</p> <p><i>Reasoning</i> The Appeal Decision notes that:</p> <p><i>“The main issues are, firstly, the effect on vitality and viability of the Dagenham Heathway District Centre and, secondly, the effect on health and well being of local residents.....</i></p> <p><i>The site is in a Hot Food Takeaway Exclusion Zone in the Council’s ‘Saturation Point’ Supplementary Planning Document (SDP) because it is within a radial distance of</i></p>

	<p><i>400m from Parsloes Primary School. Although there is no reason to doubt the appellant's submission that its lunch menus include pizza, Parsloes Primary School has been awarded Healthy Schools Status. The SDP is part of the Council's strategy to tackle obesity in the Borough. It relates to the London Plan and to the policies in the CS and the BWP. It was adopted in 2010 following public consultation and is, therefore, an important material consideration. I accept that there are other hot food takeaways between the school and the site, but the site is within about 5 minutes walk from the school.</i></p> <p><i>The appellant submits that the nutritional qualities of Domino's Pizzas differ from other takeaway foods as they are oven baked and low fat cheese is an option. Furthermore, the appellant's business model does not include children's portions or toys, but these are not matters which could be effectively controlled by conditions.</i></p> <p><i>Nonetheless, the appellant is willing to accept a condition requiring its counter service to close between 15.00hours and 16.30hours each afternoon on schooldays. If enforced, it would prevent over-the-counter sales to parents and children immediately after school, although telephone and internet sales would not be affected. As such, it would have a neutral effect on the health and well being of local residents, but would further harm the vitality of the shopping frontage."</i></p>
<p>Discussion</p>	<p>Through appeal decision the Inspector has concluded that the Council's SPD, on which the decision is based, is part of the Council's strategy to tackle obesity in the Borough and relates back to the London Plan policies as an important material consideration and therefore the Council's reason for refusal stands:</p> <p><i>"that the proposed use is sited within the hot food takeaway exclusion zone by virtue of being within 400 metres of a school and would have a detrimental impact upon the health and well being of residents of the Borough contrary to advice contained with the Draft Supplementary Document 'Saturation Point.'"</i></p>

Table 11: Appeal, London Borough of Barking and Dagenham 3

Case	<p>London Borough of Barking and Dagenham Application for Planning Permission – 11/00739/FUL <i>Appeal Decision Date – 16 November 2012</i> <i>[Planning Inspectorate - APP/Z5060/A/11/2167225]</i></p>
Background	<p>The development proposed is <i>change of use from A2 to A5 takeaway.</i></p>
Planning Authority	<p>Officer Recommendation The Planning Application was refused by Delegated Decision.</p> <p>Reason for Refusal The reason for refusal as noted in the Decision Notice is:</p> <p><i>The proposed development, by virtue of its location, within 400 metres of a primary school, is contrary to the Council's Local Development Framework Supplementary Planning Document 'Saturation Point – Addressing the Health Impacts of Hot Food Take-Aways' and would be likely to have a detrimental impact upon health and well being of residents of the Borough.</i></p>
Appeal Inspector	<p>Planning Appeal: APP/Z5060/A/11/2167225 The Appeal against the decision by London Borough of Barking and Dagenham Council was allowed subject to 6 conditions.</p> <p>Reasoning The Appeal Decision Notice noted:</p> <p><i>The appeal site is within 400m of Northbury Infant and Junior Schools which the SPD indicates is a 5 minute walking distance. However, this appears to be an “as the crow flies” measurement. Whilst the 400m radial distance is a useful guideline, it is also necessary to consider site specific factors. My observations were that the actual journey time from the schools to the appeal site when walking along the roads would take considerably longer than 5 minutes. Routes from the school to the appeal premises are limited. They require crossing Underground lines and a railway line, potentially by using a little used pedestrian bridge, and traversing busy roads and complex traffic junctions. Such routes would in my view be unlikely to be used by unaccompanied children of infant and junior school age.</i></p> <p><i>Furthermore, the most likely routes would pass a number of hot food outlets including those in Barking Town Centre and</i></p>

	<p><i>the Vicarage Field Shopping Centre. Thus there would be many opportunities to buy fast food elsewhere on the journey. The evidence is not convincing that the appeal site would attract custom from pupils of the identified schools, whether or not they were accompanied by their parents. It is concluded that in this case, the site specific material considerations outweigh the conflict with the SPD.</i></p> <p><i>The appellant suggests that the business could be closed between 1500 and 1600 hrs, presumably to coincide with the time that most pupils leave school, to address the Council's concerns. However as the Council indicated, this would reduce the level of activity within the Neighbourhood Centre to the detriment of its vitality and viability and would conflict with the requirements of the Council's LDF Core Strategy Policy CE1. The Council have referred to an appeal decision (APP/Z5060/A/10/2136264) in which the Inspector also addressed the inappropriateness of such a condition. I am not convinced that this approach would meet the tests set out in Circular 11/95 The Use of Conditions in Planning Permissions.</i></p>
<p>Discussion</p>	<p>In this case despite the presence of an SPD, which restricted the introduction of hot food takeaways within a defined proximity of primary schools, the Inspector concluded that the appeal should be allowed given the site specific material considerations of the proposed development. The Council's restriction on hot food takeaways (Class A5) within 400 metres of primary schools was based on a walking time of five minutes. The Inspector noted however that actual journey time from the schools to the appeal site when walking along the roads would take considerably longer than 5 minutes. Furthermore, given that the most likely routes would pass a number of hot food outlets, including those in Barking Town Centre and the Vicarage Field Shopping Centre, there would be many opportunities to buy fast food elsewhere on the journey. The Inspector therefore concluded that the evidence is not convincing as the appeal site would attract custom from pupils of the identified schools, whether or not they were accompanied by their parents.</p>

Table 12: Appeal, London Borough of Newham

Case	London Borough of Newham Application for Planning Permission – 13/01850/FUL Appeal Decision Date –5 September 2014 <i>[Planning Inspectorate - APP/G5750/A/14/2216552</i>
Background	The application was for the subdivision and change of use to create retail/office (Class A1/A2) and a hot food takeaway (Class A5).
Planning Authority	Officer Recommendation The Planning Application was refused by Delegated Decision. Reason for Refusal One of the reasons for refusal as noted in the Decision Notice is: <i>1. The proposed A5 takeaway use would provide access to cheap and unhealthy food and fail to promote healthy lifestyles and to reduce health inequalities in the borough and is therefore contrary to Policy 3.2 of The London Plan 2011, and Policies S1, S6, SP1, SP2 and SP3 of the Newham Core Strategy 2012.</i>
Appeal Inspector	Planning Appeal: APP/G5750/A/14/2216552 The Appeal against the decision by London Borough of Newham Council was allowed subject to 4 conditions. Reasoning The Appeal Decision Notice noted: <i>“Policy SP2 of the Core Strategy sets out the need to promote healthy lifestyles, reduce health inequalities and promote healthy eating through taking into consideration the cumulative impact of A5 Hot Food Takeaways. The London Plan at Policy 3.2 promotes similar health initiatives.</i> <i>The supporting text to Core Strategy Policy SP2 notes that a recent study recommended a 400m exclusion zone around existing or proposed secondary schools citing the access to takeaway food by young people as influences on diet and health at an early age. I have not been made aware of any existing or proposed secondary schools within this exclusion zone. The Council do however cite the presence of nearby Drew Primary School but the reasoned justification to Core Strategy Policy SP2 states that the 400m exclusion zone is specific to secondary rather than primary schools, as the pupils at the former have greater mobility and independence.</i>

	<p><i>Whilst the Council cite health concerns arising from the proposal on the wider community and I recognise the promotion of good health in policies at local, regional and national level, I have seen no specific evidence that the proposed takeaway would have a direct effect on the health of the surrounding population, even if, as the Council suggests, two other A5 units existed in the parade.</i></p> <p><i>I therefore conclude that the proposal would not have a materially harmful effect on the Council's strategy of promoting healthy lifestyles. It would not conflict with Core Strategy Policies SP1 and SP2 or London Plan Policy 3.2, which seek, amongst other matters, the promotion of healthy living. Although the Council cite Core Strategy Policy SP3 and the reference within it to avoid problems related to 'bad neighbour' uses, I do not consider the proposed uses to be 'bad neighbours' in this location."</i></p>
Discussion	<p>In this case, amongst other reasons given, the Council sought to refuse the application on the basis that it would provide access to cheap and unhealthy food and fail to promote healthy lifestyles in the borough. The Inspector concluded however that the relevant Core Strategy policy was specific of its inclusion of an exclusion zone of 400m around secondary schools and whilst there is a primary school within 400m of the proposed A5 use the policy does not include such a restriction. Furthermore, the Council's consideration that the proposal would have a detrimental impact on the health of the wider community is not backed up by an appropriate evidence base.</p>

- 4.2.2 Research identified that there is not a planning policy framework in Scotland against which to determine hot food takeaway applications on health grounds. Given the absence of relevant planning policy the outcome of one particular appeal noted that it was not considered reasonable in planning terms for the Council to refuse the application on health grounds.
- 4.2.3 In a number of Planning Authorities in England however there is an evidence based policy and/ or guidance in place against which decisions can be made.
- 4.2.4 North Tyneside for example has a policy in place which was tested initially through the Local Plan Examination process where it was considered a measured policy response given the severity of the health issues within the council area. As detailed above there were two appeal decisions identified as part of this research in which that policy was proven effective when challenged at

appeal. The London Borough of Barking and Dagenham's policy was proven effective in one reviewed case and not effective in another due to local circumstances. In addition the London Borough of Newham's policy was proven not effective as the Council's consideration that the proposal would have a detrimental impact on the health of the wider community is not backed up by an appropriate evidence base.

5.1 CONCLUSIONS

- 5.1.1 The Scottish Government's current consultation 'A Healthier Future' identifies Scotland's obesity rates as amongst the highest in the developed world. The aim of the consultation is to create a policy and legislative approach that will reduce the public health harm associated with poor diet. Improving the food environment is critical to this aim and the consultation is clear that a wide range of regulatory and other actions are needed to make healthier choices easier wherever we eat.
- 5.1.2 As such, it was noted that research should be undertaken to establish the relationship between the planning system and the food environment, including exploring how food outlets in the vicinity of schools can be better controlled. The evidence provided by the research will inform the next version of the National Planning Framework and Scottish Planning Policy.
- 5.1.3 This report presents findings from the research undertaken and in doing so addresses the following objectives of the project:
- Summarise key research and practice to concisely describe how the planning system in Scotland and other countries currently interacts with the food environment;
 - Identify what are considered to be key characteristics of a good food environment from the perspective of the planning system in Scotland;
 - Identify whether the number (density) of particular shops or outlets in a place is a problem for creating an improved food environment;
 - Identify the degree to which the area around schools in Scotland is considered to be a bad food environment or is protected from becoming one; and
 - Identify examples of both effective and the less effective planning policies which target the aim of 'How can the planning system best support the creation of an improved food environment in Scotland?'
- 5.1.4 With a view to responding to the defined objectives the literature review element of the research involved the review of a series of pertinent academic articles and those published by or on behalf of a series of Local Authorities. It also explored national policy, guidance and relevant planning legislation across Scotland and England in so far as it relates to the control of the food environment. In conclusion the findings of the research are as follows.

Key Characteristics of a Good Food Environment

- 5.1.5 The food environment is defined as the food available to people in their surroundings (e.g. work place, school, home and journeys between) including the range of foods, affordability, nutritional quality, convenience and desirability. It nudges consumers in directions contributing to dietary habits which can have long term impacts, especially in children.
- 5.1.6 Whilst the research undertaken did not explicitly identify what constitutes a good food environment, broadly speaking healthy food environments enable consumers to make nutritious food choices with the potential to improve diets and reduce the burden of malnutrition. Bad or unhealthy food environments, sometimes referred to as 'food deserts' or 'obesogenic environments', are noted as a consequence of poor access to fresh food and increased exposure to readily available energy dense food. In some locations it has been argued that food environments have developed in such a way as to make it easier for people to consume more energy dense food and be less physically active. As a result, reducing obesity is now a key goal of global health policy with an increased interest in the retail environment around schools.

Density, Clustering and the Food Environment

- 5.1.7 In so far as density and clustering of hot food outlets is concerned, scope to modify the distribution and density of takeaway food outlets in cities and neighbourhoods is becoming an increasingly important element of nutrition and health policy in the UK and elsewhere. Identifying the association between exposures to outlets selling unhealthy food, diet, and body weight however has proved challenging, and the evidence base remains ambiguous. Research identifies that simply looking at 'fast food' and 'healthy food' outlet options ignores the wide range of unhealthy foods available within the likes of supermarkets, convenience stores and petrol stations. It should be noted however that the latter tend to provide healthy food options.
- 5.1.8 It is argued that neighbourhoods which have many fast food takeaways may also have outlets selling healthy food that dilute fast food exposure. Focusing on one particular outlet type does not truly characterise a person's food environment, and the overall food environment more broadly, rather than availability of specific outlet types, may be linked to obesity.
- 5.1.9 Although there is conflicting evidence and some studies do not show a statistically significant relationship between outlets selling unhealthy food and consumption or weight gain, overall the evidence would suggest that increased exposure to outlets selling unhealthy food increases a person's likelihood of gaining weight.
- 5.1.10 It can also be concluded from the research that certain Planning Authorities in England, are seeking to control the clustering and density of hot food takeaway

uses on health grounds or to ensure the provision of a choice of fresh, nutritious food types for local communities. This is not the case in Scotland where the clustering and density of hot food takeaways is currently controlled for other reasons e.g. promotion of town centre viability and protection against anti-social behaviour.

The Food Environment around Schools

5.1.11 Strategies to address childhood obesity have highlighted the role schools can play in exposing students to healthy food, focusing on improving nutrition standards within schools. There is a growing body of research across countries, including Scotland, however which demonstrates that food environments around schools play an important role in dietary choice and quality of food available to students.

5.1.12 It should be noted however that the effect of the food environment outside schools on children and young people's diet is complex. The evidence around the impact of the presence and availability of fast food outlets on obesity produces unclear and conflicting results with some research showing a link to obesity and others not showing a link.

5.1.13 Access to outlets selling healthy food was noted as decreasing the odds of being overweight or obese. In terms of young people's eating habits, it was noted that a positive approach rather than a coercive one was better received by young people by, for example, increasing the range of healthy affordable food in schools. It was also noted that the balance of food outlets, both unhealthy and healthy, has more impact on dietary quality in children and young people, as having access to different types of outlets allows the option to make healthy choices. The research available has not identified the degree to which the area around schools in Scotland is considered to be a bad food environment.

Planning System Interaction with the Food Environment

5.1.14 The rise in obesity has led researchers and policy makers to look at the role of the social and built environment and explore the idea that food environments are a contributing factor. The causes are noted as being multifaceted and embedded in various aspects of the environments which cannot be addressed by planning alone. Issues to be addressed include a range of factors and influences, such as nutritional quality of convenience food, promotional offers and school stay-on-site policies. In land use planning terms zoning or exclusion zones were looked at as a means of limiting access to fast food and a limitation of the density of fast food outlets. In view of conflicting research linking the food environment to obesity, defining local levels of obesity as an evidence base was considered important to inform policy.

5.1.15 A review of National Policy and Development Plans across Scotland has found that current planning policy has no interaction with the food environment in so far as seeking to address obesity is concerned. As a result, the degree to which the area around schools in Scotland is protected from becoming a bad food environment is not apparent in planning terms. Outside of the planning system however there is a growing body of research which is looking at the food environment and its impact on obesity. Given the conflicting research linking the food environment to obesity some have suggested that further studies are required to better understand the impact of such policies designed to limit the proliferation of hot food takeaways.

5.1.16 The English planning system is more advanced in terms of applying such research to national and local policy. Reflective of national policy requirements, in certain Planning Authorities in England there is a drive to control the local food environment around schools and other sensitive uses (leisure centres, community centres, parks). This is generally achieved through Development Plans and Supplementary Planning Documents, based on a robust evidence base, each an important material consideration in the determination of planning applications. Policy and guidance have introduced the following measures:

- An exclusion zone of 400m (or in some cases 800m) or 5-minute walking distance around sensitive youth facilities such as secondary and primary schools, parks, playing fields etc.;
- Control of the hours of opening of a facility to prevent opening during school hours;
- Prevent takeaways where the number within the area already exceeds the identified national average; and
- Where a certain percentage of children of a certain age within a ward are obese based on statistics available from the National Child Measurement Programme.

5.1.17 In some council areas these policies have proven effective at discouraging applications at the pre-application stage; leading to refusal at the application stage and standing up to challenge at the planning appeal stage, as discussed in Section 4.0.

Policy Analysis – Policy Effectiveness

5.1.18 Research identified that there is not a planning policy framework in Scotland against which to determine fast food takeaway applications on health grounds. Given the absence of relevant planning policy the outcome of one particular appeal noted that it was not considered reasonable in planning terms for the Council to refuse the application on health grounds.

5.1.19 Across a number of Planning Authorities in England, there are Development Plan policies and/or Supplementary Planning Documents against which planning

decisions on fast food takeaway applications can be made on health grounds. These have largely stood up to planning appeal when evidence based, but have proven less effective without an evidence base and when other material planning considerations dictate otherwise.

Research Papers

Barber, S et al. 2017) The Soft Drinks Industry Levy. Commons Briefing papers CBP-7876. House of Commons Library.

Brighton and Hove City Council Planning Department and NHS Sussex / Brighton and Hove City Council Public Health Directorate. 2011. *Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove.*

Buck, C. et al. 2013. Clustering of unhealthy food around German schools and its influence on dietary behavior in school children: A pilot study. *The International Journal of Behavioral Nutrition and Physical Activity* 10 (65).

Burgoine, T. et al. 2014. Associations between exposure to takeaway food outlets, takeaway food consumption, and body weight in Cambridgeshire, UK: population based, cross sectional study. *BMJ Clinical Research Edition* 348, p. 259-266.

Burgoine, T. et al. 2016. Does neighborhood fast-food outlet exposure amplify inequalities in diet and obesity? A cross-sectional study. *The American Journal of Clinical Nutrition*, 103 p. 1540-1547.

Capita and North Tyneside Council. 2015. Public Health Evidence in relation to the use of the planning system to control Hot Food Takeaways. [Online] Available from: <http://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Public%20Health%20Evidence%20in%20relation%20to%20the%20use%20of%20the%20planning%20system%20to%20control%20Hot%20Food%20Takeaways%202015%20%28Sub%20Header%29.pdf> [Accessed February 2018]

Caraher et al. 2013. The planning system and fast food outlets in London: lessons for health promotion practice. *Revista portuguesa de saude publica.* 31(1), p. 49–57.

Caspi, CE et al, 2012. The local food environment and diet: a systematic review. *Health and Place* 18(5): 1172-87

Centre for Diet and Activity Research. 2018. Food Environment Assessment Tool. [Online] Available from: <http://www.cedar.iph.cam.ac.uk/feat/> [Accessed June 2018].

Clark, E. M. et al. 2014. Is the food environment surrounding schools associated with the diet quality of adolescents in Otago, New Zealand? *Health & Place* 30: 78-85.

Cobb LK et al. 2015. The relationship of the local food environment with obesity: A systematic review of methods, study quality, and results. *Obesity* (Silver Spring, Md.), 23(7), 1331–44.

- Conrad D., Capewell S. 2012. Associations between deprivation and rates of childhood overweight and obesity in England, 2007-2010: An ecological study. *BMJ Open* 2 (2)
- Crawford et al. 2012. Is Eating out of School a Healthy Option for Secondary Pupils? A Feasibility Study to Explore the Nutritional Quality of 'Out of School' Foods Popular with School Pupils. Glasgow: SCPHRP and GCPH.
- Dobbs, R et al. 2014. Overcoming obesity: An initial economic analysis. McKinsey Global Institute.
- Drewnowski, A. and Specter, S.E., 2004. Poverty and obesity: the role of energy density and energy costs. *American Journal of Clinical Nutrition* 79 (1), p. 6-16.
- Edwards and Tsourus. 2006. Promoting Physical Activity and Active Living in Urban Environments. The Role of Local Governments. The Solid Facts. World Health Organization, Copenhagen.
- Food and Agriculture Organization of the United Nations, 2012. [Online] Influencing Food Environments for Healthy Diets. Available online: <http://www.fao.org/3/a-i6484e.pdf> [Accessed March 2018]
- Food and Drink Federation Scotland. 2017. Health and Wellbeing. [Online] Available from: http://www.fdfscotland.org.uk/sfdf/priorities_food_health.aspx [Accessed 24 July 2017]
- The Food Foundation. 2016. 'Force-Fed. Does the food system constrict healthy choices for typical British families? [Online] Available from: <https://foodfoundation.org.uk/wp-content/uploads/2016/07/The-Food-Foundation-64pp-A4-Landscape-Brochure-AW-V32.pdf> [Accessed June 2018].
- Food Standards Scotland. 2016. Board Meeting - 20 January 2016. [Online] Available at: <http://www.foodstandards.gov.scot/fss-board-meeting-20-january-2016> [Accessed March 2018].
- Food Standards Scotland. 2017. Board Meeting – 8 March 2017. [Online] Available at: <http://www.foodstandards.gov.scot/board-meeting-8-march-2017> [Accessed March 2018].
- Dr Foster Intelligence and Land Use Consultants. 2011. Tackling the Takeaways: A new policy to address fast food outlets in Tower Hamlet. London: NHS Tower Hamlets.
- Foresight. 2007. Tackling Obesities: Future Choice – Project Report. London: Government Office for Science.
- Forsyth, A et al. 2012. Do adolescents who live or go to school near fast-food restaurants eat more frequently from fast-food restaurants? *Health Place* 18: 1261–1269.

- Fox, M.K et al. 2009. Association between school food environment and practices and body mass index of US public school children. *Journal American Diet Association* 109 (2), S108–S117.
- Fraser et al. 2010. The Geography of Fast Food Outlets: A Review. *International Journal of Environmental Research and Public Health*, 7, 2290-2308.
- Freudenberg, N. et al. 2010. A Tale of Two ObesCities: The Role of Municipal Governance in Reducing Childhood Obesity in New York City and London. *Journal of Urban Health*, 87(5), p.755 - 770.
- Gilliland, J.A. et al. 2012. Linking Childhood Obesity to the Built Environment: A Multi-level Analysis of Home and School Neighbourhood Factors Associated With Body Mass Index. *Canadian Journal of Public Health* 103 (9)
- Glasgow Centre for Population Health. 2012. *Are school lunchtime stay-on-site policies sustainable? A follow-up study*. Briefing Paper 33. Glasgow: Glasgow Centre for Population Health.
- Grant K (2017) SPICe Briefing, How can we reduce obesity in Scotland? Edinburgh: Scottish Parliament
- Griffiths, C. et al. 2014. A cross sectional study investigating the association between exposure to food outlets and childhood obesity in Leeds, UK. *International Journal of Behavioral Nutrition and Physical Activity* 11(1): 138.
- Hendrickson et al., 2006. Fruit and vegetable access in four low-income food deserts communities in Minnesota. *Agriculture and Human Values* 23, 371–383.
- Herforth, A. & Ahmed, S. 2015. The food environment, its effects on dietary consumption, and potential for measurement within agriculture-nutrition interventions. *Food Security*. 7(3): 505-520.
- HLPE. 2017. Nutrition and food systems. A Report by a High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security. Rome.
- Holsten JE. 2009. Obesity and the community food environment: A systematic review. *Public Health Nutrition*, 12(3), 397–405.
- Kent, JL and Thompson, S. 2014 The Three Domains of Urban Planning for Health and Well-being. *Journal of Planning Literature* 29(3): 239-256
- Larsen, K., et al. 2015. Food access and children’s BMI in Toronto, Ontario: assessing how the food environment relates to overweight and obesity. *International Journal of Public Health* 60(1): 69-77.
- Local Government Association. 2016. Tipping the Scales. [Online] Available at: <https://www.local.gov.uk/sites/default/files/documents/tipping-scales-case-study-bff.pdf> [Accessed March 2018].
- Local Government Association. 2016. Building the foundations: Tackling obesity through planning and development. [Online] Available at:

London Plan. 2018. Topic Paper: Hot Food Takeaways. [Online] Available at: https://www.london.gov.uk/sites/default/files/london_plan_topic_paper_on_hot_food_takeaways.pdf [Accessed March 2018].

MacDonald, L. et al. 2018. Do 'environmental bads' such as alcohol, fast food, tobacco and gambling outlets cluster and co locate in more deprived areas in Glasgow City, Scotland? *Health and Place*, 51, p. 224-231.

Martin L. 2017. *Evidence for environmental interventions to prevent childhood overweight and obesity within schools*. NHS Health Scotland.

NHS London Healthy Urban Development Unit. 2013. *Using the planning system to control hot food takeaways – A good practice guide*. London: NHS

Patterson R. et al. 2012. Consumption of takeaway and fast food in a deprived inner London Borough: Are they associated with childhood obesity? *BMJ Open* 2 (3)

Public Health England. 2014. *Obesity and the environment: regulating the growth of fast food outlets*. London: PHE.

Public Health England. 2017. *Health Matters: Obesity and the Food Environment*. London: PHE.

Public Health England. 2017. *Strategies for Encouraging Healthier 'Out of Home' Food Provision, A toolkit for local councils working with small food businesses*. London: PHE.

Public Health England. 2017. *Spatial Planning for Health - An evidence resource for planning and designing healthier places*. London: PHE.

Public Health England. 2018. *Healthy High Streets: Good place-making in an urban setting*. London: PHE.

Public Health England. 2018. *Sugar reduction and the wider reformulation programme: progress towards the first 5% reduction and next steps*. London: PHE.

Ross, A. 2013. Obesity-based policies to restrict hot food takeaways: progress by local planning authorities in England.

Scottish Futures Forum. 2017. Fitter or Fatter? Effective Interventions for Tackling Scotland's Obesity Problem. [Online] Available at: http://www.scotlandfutureforum.org/wp-content/uploads/2018/02/SFF_Report_Scotland2030ObesityEvent_web.pdf [Accessed March 2018]

Scottish Government. 2010. The Obesity Route Map. [Online] Available at: <http://www.gov.scot/Resource/Doc/302783/0094795.pdf> [Accessed March 2018]

Scottish Government and the Food Standards Agency. 2014. Supporting Healthy Choices Framework. [Online] Available at: <http://www.gov.scot/Resource/0045/00454311.pdf> [Accessed March 2018]

Scottish Government. 2014. *Beyond the School Gate. Improving food choices in the school community.* Edinburgh: Scottish Government.

Scottish Government .2017. *A Healthier Future - Action and Ambitions on Diet, Activity and Healthy Weight.* [Online] Available at: <http://www.gov.scot/Resource/0052/00526543.pdf> [Accessed March 2018]

Shepherd, J. et al. 2006. Young people and healthy eating: a systematic review of research on barriers and facilitators. *Health Education Research*, 21(2), p. 239-257.

Shortt et al., 2014. Integrating environmental justice and socioecological models of health to understand population-level physical activity. *Environmental Planning A*, 46 (6), p. 1479-1495.

Simon, P.A et al. 2008. Proximity of fast food restaurants to schools: Do neighborhood income and type of school matter? *Preventative Medicine* 47(3): 284-288.

Story, M et al. 2008. Creating healthy food and eating environments: policy and environmental approaches. *Annual Review of Public Health* 29: 253-272.

Tang, X. et al. 2014. Associations between Food Environment around Schools and Professionally Measured Weight Status for Middle and High School Students. *Childhood Obesity* 10(6): 511-517.

Tedstone, A et al .2017. *Sugar Reduction: Achieving the 20%* .London: PHE.

Timperio, A. et al. 2008. Children's fruit and vegetable intake: associations with the neighbourhood food environment. *Preventative Medicine* 46(4):331-5.

UK Government. 2016. *Soft Drinks Industry Levy.* [Online] Available from <https://www.gov.uk/government/publications/soft-drinks-industry-levy/soft-drinks-industry-levy> [Accessed 27 June 2017]

Williams, J. et al. 2014. A systematic review of the influence of the retail food environment around schools on obesity-related outcomes. *Obesity Reviews*, 15, p. 359-374.

Williams, J. et al. 2015. Associations between Food Outlets around Schools and BMI among Primary Students in England: A Cross-Classified Multi-Level Analysis. *PloS One* 10(7): e0132930.

National Policy / Guidance

England

National Planning Policy Framework March 2012

National Planning Practice Guidance (NPPG) Health and Wellbeing. Last Updated July 2017. Available at: <https://www.gov.uk/guidance/health-and-wellbeing#history> [Accessed March 2018]

Wales

Planning Policy Wales (Edition 9) November 2016

Scotland

National Planning Framework 3 June 2014

Scottish Planning Policy June 2014

Northern Ireland

Regional Development Strategy (RDS 2035) 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Use Class Orders

Circular 03/2005. Changes of Use of Buildings and Land - The Town & Country Planning (Use Classes) Order 1987.

Circular 1/1998. The Town and Country Planning (Use Classes) (Scotland) Order 1997.

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005

Planning Authority – Policy and Guidance

Barnsley Metropolitan Borough Council

Supplementary Planning Document | Hot Food Takeaways | Adopted March 2012

Birmingham City Council

Supplementary Planning Document | Shopping and Local Centres | March 2012

Bolton Metropolitan Borough

Supplementary Planning Document | Location of Restaurants, Cafés, Public Houses, Bars and Hot Food Takeaways in Urban Areas | September 2013

Bradford Metropolitan District Council

Supplementary Planning Document | Hot Food Takeaways | November 2014

Bridgend County Borough Council

Supplementary Planning Guidance (SPG14) | Hot Food Take-Away Establishments | Adopted October 2007

Central Lancashire

Supplementary Planning Document | Access to Healthy Food | October 2012

Dudley Metropolitan Borough Council

Supplementary Planning Document | Planning for Health | Adopted September 2013

Gateshead Metropolitan Borough Council

Supplementary Planning Document | Hot Food Takeaway | 2015

Halton Borough Council

Supplementary Planning Document | Hot Food Takeaways | Adopted March 2012

Leeds City Council

Supplementary Planning Document | Hot Food Takeaway | DRAFT July 2017

London Barking and Dagenham

Supplementary Planning Document | Saturation Point – Addressing the health impacts of hot food takeaways | Adopted July 2010

London Borough of Hackney

Development Management Local Plan | Adopted July 2013

London Borough of Hammersmith and Fulham

Supplementary Planning Document | Planning Guidance | Adopted March 2009

London Borough of Lewisham

Development Management Local Plan | Adopted November 2014

London Borough of Tower Hamlets

Managing Development Document | Development Plan Document | Adopted April 2013

London Borough of Newham

Food Outlet Mapping in the London Borough of Newham | July 2010

London Borough of Newham

Newham's Local Plan – The Core Strategy | Adopted January 2012
Supplementary Planning Document | Hot Food Takeaway | Adopted March 2009

London Borough of Waltham Forest

Waltham Forest Unitary Development Plan (UDP)
Supplementary Planning Document | Hot Food Takeaway | Adopted March 2009
Waltham Forest Annual Monitoring Report 2015/16

Medway Council

Local Plan | Adopted January 2017

Guidance Note | Hot Food Takeaways in Medway | July 2014

Newcastle Under Lyme Borough Council

Planning Guidance on Hot Food Takeaways | Adopted 1996

North Tyneside

Local Plan | Adopted 2017

Public Health Evidence in relation to the use of the planning system to control Hot Food Takeaways | November 2015

Oldham Council

Development Plan Document – Joint Core Strategy and Development

Management Policies | Adopted November 2011

Supplementary Planning Document | Vibrant Centres Part 1 and 2 | Adopted July 2012

Rochdale Borough Council

Supplementary Planning Document | Guidelines & Standards for Hot Food

Takeaway Uses | Adopted April 2015, Updated February 2017

Salford City Council

Supplementary Planning Document | Hot Food Takeaways | Adopted January 2014

Sandwell Metropolitan Borough Council

Supplementary Planning Document | Hot Food Takeaway | July 2016

Sefton Metropolitan Borough Council

Local Plan | Adopted April 2017

Sefton Metropolitan Borough Council

Supplementary Planning Document | Control of Hot Food Takeaways and Betting Shops | September 2017

Solihull Metropolitan Borough Council

Supplementary Planning Document | Hot Food Takeaways | DRAFT October 2014

St Helens Council

Supplementary Planning Document | Hot Food Takeaways | Adopted June 2011

Stoke on Trent City Council / Newcastle Under Lyme Borough Council

Joint Local Plan

Stoke on Trent Council

Supplementary Planning Document | Hot Food Takeaway | DRAFT May 2013

Warrington Borough Council

Supplementary Planning Document | Hot Food Takeaways | Adopted April 2014

Wirral Council

Supplementary Planning Document 3 | Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments| Adopted October 2006

Woking Borough Council

Supplementary Planning Document | Hot Food Takeaways | Adopted October 2014

Worcester City Council

Supplementary Planning Document | Hot Food Outlets | Adopted July 2011

Wrexham County Borough Council

Local Planning Guidance Note | Hot Food Takeaways | Adopted December 2011

Application / Appeal Decisions**SCOTLAND****Midlothian Council**

Application for Planning Permission Ref: 15/00737/DPP
Appeal Ref: PPA-290-2035

Glasgow City Council

Application for Planning Permission Ref: 16/03111/DC

ENGLAND**London Borough of Barking and Dagenham**

Application for Planning Permission Ref: 13/00224/FUL

London Borough of Barking and Dagenham

Appeal Ref: APP/Z5060/A/10/2136264

London Borough of Barking and Dagenham

Application for Planning Permission Ref; 10/00210/FUL
Appeal Ref: APP/Z5060/A/10/2136264

London Borough of Barking and Dagenham

Application for Planning Permission Ref: 11/00739/FUL
Appeal Ref: APP/Z5060/A/11/2167225

London Borough of Newham

Application for Planning Permission Ref: 13/01850/FUL
Appeal Ref: APP/G5750/A/14/2216552

North Tyneside Metropolitan Borough Council

Application for Planning Permission Ref: 17/00898/FUL
Appeal Ref: APP/W4515/W/17/3184901

North Tyneside Metropolitan Borough Council

Application for Planning Permission Ref: 17/00179/FUL
Appeal Ref: APP/W4515/W/17/3178059



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2018

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78781-357-1 (web only)

Published by The Scottish Government, November 2018

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS488807 (11/18)

W W W . G O V . S C O T